

JOURNAL
OF
THE SENATE,

OF THE
STATE OF ALABAMA,

SESSION OF 1890-91,

HELD IN THE
CITY OF MONTGOMERY,

Commencing Tuesday, Nov. 11, 1890.

WITH AN INDEX,
Prepared by the Secretary of the Senate.

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SENATE JOURNAL.

FIRST DAY.

STATE CAPITOL OF ALABAMA, }
SENATE CHAMBER, }
MONTGOMERY, TUESDAY, NOV. 11th, 1890. }

This being the Tuesday after the second Monday in November, A. D., 1890, and the 11th day of the month, the day fixed by law for the Bi-ennial meeting of the General Assembly of the State of Alabama, the Senate assembled in the Senate Chamber, at 12 o'clock, M., and was called to order by Hon. A. C. Hargrove, President of the Senate.

Prayer by Rev. J. D. Burkhead, of Montgomery.

On motion of Mr. Milner, D. W. McIver, of Montgomery, was requested to act as Assistant Secretary, *pro tempore*, Mr. W. L. Clay, of Madison, Secretary, being present, and acting as such, according to law.

On motion of Mr. Haralson, Mr. James Armstrong, of Jackson, was requested to act as Doorkeeper, *pro tempore*, and on motion of Mr. Hayes, Mr. John Morrill, of Montgomery, was requested to act as Assistant Doorkeeper, *pro tempore*.

The roll of the Senators being called, the following Senators answered to their names:

FROM THE DISTRICT COMPOSED OF THE COUNTIES OF—

1. Lauderdale and Limestone—Wm. N. Hayes.
2. Colbert and Lawrence—W. W. Nesmith.
3. Blount, Morgan, Cullman and Winston—W. E. Skeggs.

4. Madison—O. R. Hundley.
 5. DeKalb, Marshall and Jackson—Wm. W. Haralson.
 6. Etowah, St. Clair and Cherokee—John W. Inzer.
 7. Cleburne and Calhoun—L. W. Grant.
 8. Clay and Talladega—W. M. Lackey.
 9. Chambers and Randolph—Wm. A. Handley.
 10. Macon and Tallapoosa—E. H. Berry.
 11. Tuskaloosa and Bibb—A. C. Hargrove.
 12. Lamar, Fayette, Marion and Franklin—R. L. Bradley.
 13. Shelby, Jefferson and Walker—John T. Milner.
 14. Pickens and Greene—M. L. Stansel.
 15. Coosa, Chilton and Elmore—John H. Parker.
 16. Lowndes and Autauga—Mac A. Smith.
 17. Butler and Conecuh—Nicholas Stallworth.
 18. Perry—W. T. Downey.
 19. Clarke, Choctaw and Washington—Joseph R. Cowan.
 20. Marengo—John H. Minge.
 21. Monroe, Escambia and Baldwin—Daniel Williams.
 22. Wilcox—S. D. Bloch.
 23. Henry, Coffee, Dale and Geneva—Wm. C. Steagall.
 24. Barbour—Judson Davie.
 25. Crenshaw, Pike and Covington—Isaac H. Parks.
 26. Bullock—J. H. Reynolds.
 27. Lee—John T. Harris.
 28. Montgomery—A. A. Wiley.
 29. Russell—(Absent).
 30. Dallas—J. C. Compton.
 31. Sumter—L. D. Godfrey.
 32. Hale—Norfleet Harris.
 33. Mobile—Daniel Smith.
- Present—32.

At the request of the President, the Senators newly elected came forward and the President administered to them the oath of office prescribed by the Constitution of the State, their names being as follows, to-wit: W. W. Nesmith, O. R. Hundley, John W. Inzer, Wm. L. Lackey, E. H. Berry, R. L. Bradley, M. L. Stansel, Mac A. Smith, W. T. Downey, John H. Minge, S. D. Bloch, Judson Davie, J. H. Reynolds, A. A. Wiley, J. C. Compton, Norfleet Harris.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted Messrs. John H. Parker and J. F. Waddell, on account of sickness.

ADJOURNMENT.

At 12:30 p. m., on motion of Mr. Milner, the Senate adjourned until 10 o'clock to-morrow.

SECOND DAY.

WEDNESDAY, Nov. 12th, 1890.

The Senate met pursuant to adjournment.

Prayer by Mr. E. P. Lovelace, of the House.

Present—Messrs. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams and Wiley—32.

The journal of yesterday was read and approved.

ELECTION OF PERMANENT OFFICERS.

The President (Mr. Hundley in the Chair) announced that the first business in order was the election of permanent officers of the Senate.

Mr. Compton placed in nomination for President of the Senate, Hon. Andrew C. Hargrove, of Tuskalooza.

Those who voted for Mr. Hargrove are: Messrs. Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, NeSmith, Parks, Reynolds, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Stegall, Williams and Wiley—26.

Mr. Hargrove, having received the whole vote cast, was declared duly elected President of the Senate for the time prescribed by law.

On motion of Mr Compton, the President appointed a committee of three, consisting of Messrs. Compton, Smith of Autauga and Skeggs, to inform Mr. Hargrove of his election, and conduct him to the chair.

Mr. Hargrove was conducted to the chair, and made the following address :

Fellow-Senators :

In accepting the office to which you have elected me, I am unable to command the words with which to duly express the feelings which move me.

I can only say that I am profoundly grateful for the high and honorable trust with which you have so generously invested me. And I am not unmindful of the solemn responsibilities, which it imposes.

I will not be guilty of the arrogance of undertaking to even suggest to this intelligent and distinguished body of men the character and special subjects of its legislation. But those of us who have taken the trouble to investigate this subject, must confess, though it be with humiliation, that our State is far behind some of her sister States in the improvement of her jurisprudence.

Our advancing civilization, the wonderful development of the vast natural resources of the State, which we see in many parts of it, the increase of capital and population in our borders, all suggest, yea demand a corresponding improvement in our laws, that these interests may be the better fostered and protected and these developments accelerated.

We need a better system of judicial procedure, a better system of assessing our taxes, a better school system, a better convict system, a better road system, better election laws, reformation in our corporative laws, improvements in our civil code and in our criminal code; virtue and morality, an industry and enterprise need to be encouraged everywhere, and vice to be repressed. The field of operations is a broad one—the work before you is a vast one. Much is expected of the General Assembly at this session. I know you are all willing and anxious to address yourselves to the work with ingenuous courage.

With these general observations, which appear to me not out of place, on this occasion, and again thanking you for your trusting kindness, and relying on your forbearance and

aid, and moved with a sincere desire to do my whole duty, and above all things, trusting to the guidance of Him who never misleads, I accept the honor, which you have, with such generosity and unanimity, conferred. I am ready to take the oath of office and assume its duties.

The oath of office was then administered to him by Hon. David Clopton, Associate Justice of the Supreme Court.

The President announced that the next business in order was the election of a permanent Secretary, Assistant Secretary, Enrolling and Engrossing Clerk, Doorkeeper and Assistant Doorkeeper.

SECRETARY.

Mr. Handley placed in nomination for Secretary of the Senate, Wm. L. Clay, of Madison.

Those who voted for Mr. Clay are Messrs. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansell, Steagall, Williams and Wiley—30.

Mr. Clay, having received the entire vote cast, was declared duly elected Secretary of the Senate for the time prescribed by law.

ASSISTANT SECRETARY.

Mr. Smith of Autauga, placed in nomination for Assistant Secretary, Thomas H. Clarke of Montgomery.

Those who voted for Mr. Clarke are Messrs. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams and Wiley—31.

Mr. Clarke, having received the entire vote cast, was declared duly elected Assistant Secretary of the Senate for the time prescribed by law.

ENROLLING AND ENGROSSING CLERK.

Mr. Hayes placed in nomination for Enrolling and Engrossing Clerk, Miss Jem Weakley, of Lauderdale.

Those who voted for Miss Weakley are Messrs. President, Berry, Bloch, Cowan, Compton, Davie, Downie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams and Wiley—29.

Miss Weakley having received the entire vote cast was declared duly elected Enrolling and Engrossing Clerk of the Senate for the time prescribed by law.

DOOR-KEEPER.

Mr. Hundley placed in nomination for Door-keeper, James Armstrong of Jackson.

Those who voted for Mr. Armstrong are Messrs. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams and Wiley—30.

Mr. Armstrong having received the entire vote cast was declared duly elected Door-keeper of the Senate for the time prescribed by law.

ASSISTANT DOOR-KEEPER.

Mr. Downey placed in nomination L. P. Bamberg of Perry, for Assistant Doorkeeper of the Senate

Those who voted for Mr. Bamberg are Messrs. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams and Wiley—30.

Mr. Bamberg having received the entire vote cast was declared duly elected Assistant Door-keeper of the Senate for the time prescribed by law.

The officers elected as aforesaid, then came forward and took the oath of office prescribed by law, which was administered by the President.

RESOLUTIONS.

Mr. Compton offered a resolution which was adopted as follows:

Resolved, That the rules of the last Senate be adopted for the temporary government of the Senate, and that a committee of five, of which the President of the Senate shall be the chairman, be appointed by the President of the Senate to prepare and report rules for the government of the Senate.

Resolved further, That the same standing committees with the same number of members for each committee as was had at the last session of the Senate be appointed by the President of the Senate for the transaction of its business.

Mr. Hundley offered a joint resolution, which was adopted as follows:

Resolved, That a joint committee of five, two from the Senate and three from the House, be appointed to prepare and report joint rules for the two Houses of the General Assembly.

The President appointed on said committee Messrs. Stansel and Hundley.

Mr. Wiley offered a joint resolution which was adopted as follows:

Be it Resolved by the Senate, the House of Representatives concurring, That a committee of five to consist of two on the part of the Senate and three on the part of the House, be appointed to take into consideration the present condition of the two and three per cent fund, the amount collected up to this time by the State, the amount due the State on said fund, what amount thereof appropriated by the General Assembly at its last session to railroad purposes has been forfeited by failure to comply with the conditions of the grant and to report by bill or otherwise, what legislation, if any, is necessary to make available to the State, all the proceeds that may be found on a proper accounting to be due the State and what disposition should be made of the balance of said fund. The President appointed on said committee Messrs. Wiley and Milner.

Mr. Smith of Autauga offered a resolution which was adopted, as follows:

Resolved, That the Doorkeeper be required to furnish to each Senator a copy of the Code of Alabama, the Acts of the last Legislature, and the Journals of the last session.

Mr. Wiley offered a joint resolution, which was adopted, as follows:

Resolved by the Senate, the House concurring, That a joint committee be appointed consisting of two on the part of the Senate and three on the part of the House to consider and report by bill or otherwise, what improvements and repairs are reasonably necessary, proper and advisable to be made to the Capitol building and grounds.

The President appointed on said committee Messrs. Wiley and Hundley.

Mr. Hayes offered a resolution which was adopted, instructing the Secretary to notify the House that the Senate had perfected a permanent organization.

Mr. Milner offered a joint resolution which was adopted as follows:

Resolved by the Senate, the House of Representatives concurring, That a joint committee of fifteen be raised, consisting of five senators and ten representatives, one of said representatives to be appointed from each of the congressional districts of the State and two for the State at large: to take into consideration the subject of apportionment of representatives to the different counties of the State, in proportion to the population as appears from the census of 1890, just taken; and, also, to arrange the Senatorial districts as near as possible in proportion to population, according to the census of 1890; and to report by bill or otherwise, at the earliest practicable moment.

The President appointed on said committee on part of the Senate, Messrs. Milner, Godfrey, Parks, Compton and Skeggs.

CALL OF DISTRICTS.

Bills and Joint Resolution were introduced, read a first time, and referred to appropriate committees, as follows:

Mr. Hundley—

s. 1. To prohibit selling or giving cigarettes to minors, Revision of Laws;

Also,

s. 2. To establish "Labor Day," and to make the same a legal holiday,

Judiciary;

Also,

s. 3. To authorize the Nashville, Chattanooga and St. Louis Railway to construct, operate and maintain its road, or a branch thereof, in and through the counties of Madison, Marshall and Etowah, in the State of Alabama,

Internal Improvements.

Mr. Haralson—

s. 4. To amend section 1667 of the Code,

Revision of Laws;

Mr. Inzer—

s. 5. To require corporations in making deeds or conveyances to real estate to recite in such deeds or conveyances a copy of the written authority of the corporation under which the same are made, and when so done, such deeds or conveyances shall be in the hands of the purchaser or any one holding under him *prima facie* evidence of authority on the part of the corporation for making the same,

Judiciary;

Also,

s. 6. To amend subdivision 31 of section 629 of the Code in regard to peddling in this State,

Revision of Laws.

Mr. Milner—

s. 7. To amend section 2319 of the Code, so far as the same relates to Jefferson county,

Finance and Taxation,

Also,

s. 8. To apportion representation for the different counties in the State; and, also, to arrange the Senatorial districts for the State of Alabama,

Special Joint Committee on that subject, when raised;

Also,

s. 9. To amend an act to allow constable of Troy beat, Pike county, and the constable of beat No. 21, in Jefferson county, Alabama, to appoint deputies, approved February 12, 1885,

Local Legislation.

Mr. Bloch—

s. 10. To provide for a Commissioner of Immigration, and the establishment of a department of Immigration,

Immigration.

Mr. Harris, of Lee—

s. 11. To repeal an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 22, 1887,

Agriculture;

Also,

s. 12. To repeal an act entitled an act to amend an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 25, 1889,

Agriculture.

JOINT RESOLUTIONS.

Mr. Hundley—

s. J. R. 1. To provide for submitting the question of a constitutional convention to the people,

Judiciary;

Also,

s. J. R. 2. Proposing amendment to section 2, of article XI, of the Constitution of the State of Alabama,

Judiciary;

Also,

s. J. R. 3. Proposing amendment to section 5, of article XI, of the Constitution of the State of Alabama,

Finance.

Mr. Inzer—

s. J. R. 4. To submit to the people of the State of Alabama at the general election to be held on the first Monday in August, 1892, for representatives, for their consideration, an amendment to section 2 of article II of the Constitution of this State, in reference to reducing the size of the counties,

Municipal and County Organization.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

November 12, 1890.

Mr. President:

I am directed by the House to inform the Senate that the House has perfected a permanent organization by the election of the following officers: Hon. N. N. Clements, of Tuscaloosa, Speaker; Benj. F. Elmore, of Marengo, Clerk; A.

H. Carmichael, of Colbert, Assistant Clerk; Chas. W. King, of Butler, Enrolling Clerk; Massey Wilson, of Clarke, Engrossing Clerk; Robert Hasson, of Etowah, Door-Keeper; Thos. J. Fain, of Dale, Assistant Door-Keeper.

And I am also directed to inform the Senate that the House has adopted the following resolutions:

Resolved by the House, the Senate concurring, That a committee of three from the House and two from the Senate be appointed to wait on the Governor and inform him that the General Assembly of Alabama is now permanently organized and ready for the transaction of business, and to receive any communication he may have to send them.

Committee from the House:

Messrs. Avery, Lee of Barbour, and Sullivan.

Resolved by the House, the Senate concurring, That a committee of five, two from the Senate and three from the House, be appointed to wait on the clergy of the city of Montgomery and invite them to attend at the morning sessions of the two houses and conduct the religious services.

Committee of the House:

Messrs. Purifoy, Appleton and Adams.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The joint resolutions just received, were severally read and concurred in.

The President appointed as the committee on the part of the Senate under the first resolution, Messrs. Parks and Skeggs, and under the second resolution, Messrs. Cowan and Godfrey.

REPORT OF JOINT COMMITTEE.

Mr. Parks from the special joint committee appointed to wait on the Governor, reported that the committee had discharged its duty and that His Excellency the Governor had stated he would presently transmit his bi-ennial message.

GOVERNOR'S MESSAGE.

STATE OF ALABAMA,
 EXECUTIVE DEPARTMENT,
 OFFICE OF THE GOVERNOR, }
 Montgomery. }

November, 12th, 1890.

Mr. President :

I am directed by His Excellency, the Governor, to communicate to the Senate a message in writing.

Very respectfully,

J. K. JACKSON,
 Private Secretary.

GOVERNOR'S MESSAGE.

CHIEF EXECUTIVE OFFICE, }
 MONTGOMERY, ALA., NOVEMBER 12, 1890. }

Gentlemen of the Senate and House of Representatives :

At the close of my administration, I undertake to advise you of the condition of the State, with such recommendations as are deemed worthy of your consideration.

I receive you in the closing months of one of the most prosperous years with which the State has been blessed. In every department of industry; even in agriculture, so long depressed, there has been an improvement, and we are now gathering abundant crops, the well earned meed of labor intelligently applied. In the midst of plenty we have been preserved from pestilence, and a spirit of obedience to law pervades the State.

THE FINANCES.

Our finances are in excellent condition. All of the money of the people of Alabama is with them, except that which is in the State Treasury, and the amount in the Treasury is sufficient to meet the demands of the Government economically administered. There is no surplus. There should not be any, for it would represent just so much unfairly withdrawn from the circulation.

On the day of the meeting of the General Assembly just two years ago, the entire balance in the Treasury was \$381,373.83. Of this there were special funds, not available, \$51,020.61, and of money already appropriated \$49,621.69, leaving a true balance with which the last General Assembly began business of \$280,731.53.

On this day there is a balance in the treasury of \$309,047.28, and of special funds not available \$61,919.59. In the grand total is included \$46,182.77 of the school fund already appropriated, and therefore, the true balance with which the General Assembly begins its business is \$200,944.82 against \$280,731.53 two years ago.

This presents a broad difference and compels thoughtful attention.

In the four years of my administration the increase in valuation of property in the State has been prodigious. It has passed from \$173,808,097 in 1886 to \$258,979,575 in 1890. But the tax rate too has been greatly lowered, a levy of 6 mills on the dollar has been reduced at the rate of a half a mill each year until we now find the rate at the reasonable figure of 4 mills on the dollar. Nothing short of a marvelous development of the material interests of the State could have sustained this grateful relief to the people.

The wisdom of your predecessors has been justified, for the State has met its obligations of every character; has grown in wealth, in every social respect, and has listed its credit with the very best in the great marts of commerce and of trade.

This experiment of reducing the tax levy at the rate of a half a mill each year was a great one when the total rate was 7 and a half mills on the dollar; it was almost dangerous when the rate became 6 mills, and now that we have reached a levy of 4 mills on the dollar such a reduction will not be justified on any reasonable expectation of that great increase in values, which would be required to meet such reduction.

A comprehension of our financial status is easy. The valuation of property in this State on which the tax moneys are to be raised the current year is already determined to be \$258,979,575, and the rate of taxation for the current fiscal year is already fixed and is now being collected at four mills on the dollar. The usual expenses of collection amount to about a hundred thousand dollars, so that from the general

taxes we may reasonably expect about \$935,918. From poll taxes, licenses and all other sources we may expect about \$600,000, and our resources may therefore be reasonably stated at about \$1,530,918 for the fiscal year ending the 30th of September, 1891. The disbursements for the current fiscal year are estimated by the Auditor at \$1,697,320, and this estimate does not include any special appropriations which shall be made at this session. As the State grows in material wealth and in population, our expenses necessarily increase, and I estimate that at the very lowest, as much money will be required for the expenses of the Government for the fiscal year beginning on the 1st of October, 1891.

We may expect some increase in the valuation of the property of the State for the year 1891, and for each recurring year, but there are demands, such as the claims of the deaf-mutes of the State, of additional accommodations for the indigent insane, of the public schools and that most sacred one, so long postponed, of provision for the maimed and disabled survivors of the war between the States, which ought not to be ignored.

It is with great pleasure that I communicate to you the successful funding of our six per cent. bonds. It will be remembered that to retire the outstanding issue of \$954,000 of the bonds of the State, bearing interest at the rate of six per cent. per annum, proper legislation authorized the Governor to sell that amount of bonds to bear four per cent. interest. The six per cent. bonds become redeemable on the first day of January, 1890. In the summer of 1889 I advertised for bids for the new bonds, and caused this advertisement to be circulated in the great cities of the Union as well as in the State. I received a bid for the bonds at 100½ but I declined to accept it and repaired in person to New York where I succeeded without difficulty in placing the bonds at 101 1-10. I caused the money to be covered into the State Treasury and called for the sixes with the declaration of cessation of interest after the first day of January, 1890, and their retirement has so successfully progressed that the entire issue, except \$11,500 has been taken up.

It is with pardonable pride that an Alabamian who has been a part of that administration existing in this State for fourteen years, and who witnessed our financial distress of sixteen years ago, now sees our financial credit so firmly es-

ablished. All the papers connected with this transaction are on file.

There was no authority given to me to burn the sixes. They have been cancelled and are in the vault of the Treasury and I recommend immediate legislation authorizing their destruction and the destruction of the few outstanding as soon as they shall be retired.

SECRETARY OF STATE.

I transmit the report of the Secretary of State, and in this connection I desire to call your attention to a necessary amendment of the law whereby he is required to contract for fuel furnished to the various departments. As the law now stands he is required to advertise for the lowest bidder at a time of the year when the price of fuel is at its very height, and this omission in the law has entailed an unnecessary expense in this particular.

CAPITOL GROUNDS.

At the last session of the legislature an appropriation of \$20,000 was made for the improvement of the Capitol grounds and building. Acting under this statute I made a contract with Messrs. Figh & Williams, of the city of Montgomery, for the improvement of the grounds and this contract is on file. I found the appropriation not adequate to the necessary expenses in keeping in repair the building and in the improvements of the grounds. The regular annual appropriation of \$2,500 per annum not having been made for this purpose, I trenched upon the contingent fund. But the work has been performed at an expense to the State of \$16,465.12, and the unsightly appearance of the elevation on which the building stands has been changed to the condition in which you now find it. The work was performed by the contractors under the supervision of Mr. W. G. Williamson, a skillful and reliable engineer, on reasonable terms, and constitutes a valuable improvement to the property of the State. I recommend that an appropriation be made at this session for heating the Capitol building with steam, lighting it with electricity and supplying it with an elevator.

MONUMENT.

The appropriation of \$5,000 to aid in the erection of a monument to the Alabama soldiers who fell in the late war between the States was expended on the 5th of May, 1890, being applied principally to payment for the beautiful figure which crowns this sacred work.

DEPARTMENT OF AGRICULTURE.

The report of the Commissioner of Agriculture is transmitted. The receipts from this department under the efficient administration of the present Commissioner have increased from \$23,853.47 for the year ending September 30, 1887, to \$47,216.89 for the year ending September 30, 1890.

One-third of the net proceeds arising from the sale of tags is applied to the support of the Agricultural and Mechanical College and constitutes a large and necessary contribution to that Institution. The money which supports this department is paid by the agriculturists exclusively, and it constitutes a special fund for the promotion of agriculture and immigration. To this department, in connection with the A. & M. College, is largely due to that increasing prosperity which agriculture in Alabama now enjoys.

GEOLOGICAL SURVEY.

I transmit to you the report of the State Geologist. It will be seen that the work has made great progress since the last session of the General Assembly. I believe that we owe very much of the marvelous development in the mineral region of Alabama to the work of the geological survey under the administration of Dr. Eugene A Smith, which has been in progress since the 19th day of February, 1883. It will be seen from the report that it is recommended that the survey be continued and its scope enlarged, and I concur in this recommendation.

ALABAMA INSTITUTES FOR THE DEAF AND BLIND.

The separation of the Institutes for the deaf mutes and blind has proven an acknowledged advance in the care and

superintendence which the State exercises over these tender orphans of nature.

You are warmly commended to make provision for the care of the deaf, dumb and blind of the colored race. No such provision has yet been made by this State, and the appeal for it, always existing, has waited with patience the pleasure and ability of the State. I recommend that you make an appropriation for this purpose at this session.

INSANE HOSPITAL.

The management of the Hospital for the Insane yet enjoys unchallenged confidence. I concur in the recommendation made in the report of the Trustees, which is in the hands of the printer, and which will be laid upon your desks in a few days.

STATE BOARD OF HEALTH.

I send you the very thorough and full report of the Health Officer. The State has reason to congratulate itself upon its system of health laws and their faithful administration. The Health Officer himself, by his diligence and fidelity, has contributed much toward making this Department greatly useful to the State, and to cause it to be the object of admiration in other States of the Union.

AGRICULTURAL AND MECHANICAL COLLEGE.

Over two years ago the main building of the A. and M. College was destroyed by fire. The State rescued this great work by appropriating at the last session of the General Assembly of \$50,000 for the replacement of the building. The money, together with the insurance received, has been carefully and economically applied, an elegant structure built of the best material in the most substantial manner, and adapted to the great work of this institution, adorns and honors the spot where lately rested the ashes of the old building. Not only is this structure an adornment, but the value of the work which is being done there cannot be overestimated. The scientific principles of agriculture are being taught there with an efficiency which leaves little margin for criticism and is filling the State with young men

capable of applying these scientific principles to practical use.

The Federal Government has increased the aid heretofore extended to this great work by an appropriation approved July 30, 1890. By this statute \$15,000 for the year ending June 30, 1890, and an annual increase of the amount of said appropriation thereafter for ten years by an additional sum of \$1,000 over the preceding year, and thereafter a total of \$25,000 per annum, has been appropriated out of the proceeds of the public lands to the endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under an act of Congress approved July 2, 1862. This statute provides that no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be in compliance with the provisions of this act, if the fund received in such State or Territory be equitably divided between one college for white students and one institution for colored students established and aided by the State for the education of colored students in agriculture and in the mechanic arts. The statute further provides that such State may propose and report to the Secretary of the Interior of the United States a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established for the education of colored students in agriculture and the mechanic arts. And it is further necessary for you to assent to the purpose of this grant. In advance of your meeting I have already done so, and now recommend legislative assent to the proposition to divide the funds between the two institutions referred to in the statute in the proportion of white and colored people in Alabama as shown by the returns of the present census year.

STATE UNIVERSITY.

The condition of the State University is satisfactory. With ample accommodations, it is largely patronized. The standard of education has been elevated, and under its pres-

ent management it will continue to occupy that place in public estimation which it has always held.

Almost at the beginning of the last session death deprived us of the President of this Institution—one who as a soldier and a citizen had endeared himself to all the people of this State, and in public and private life ever justified their confidence.

And now, while I prepare this message, news comes to us of the death of another—my predecessor in the office of Governor—distinguished on battle field and in civil life.

Their high examples inspire emulation and their memories will be treasured by the people whom they served so well.

STATE TROOPS.

I transmit to you the full and excellent report of the Adjutant General, showing the condition of the State Troops.

Every thoughtful person must contemplate with pride and a sense of security this organization of citizen soldiery. In the quiet time of that universal peace preserved to Americans without a standing army, the citizen soldiery of the Republic keep ever aloft the standard around which in time of war would gather that volunteer force which stands to the country in lieu of a standing army. In this State they not only represent this idea, but they constitute a constabulary perfectly reliable and always ready to assist the civil officers in the enforcement of the laws.

The State appropriates \$11,500 for their annual encampments, where they are drilled and disciplined. The report of the Adjutant General shows that this appropriation is insufficient to meet the actual expenses of the troops, and the balance is generously met by them with their own funds. I recommend that this appropriation be made sufficient to meet the expenses of the encampments.

The office of Adjutant General is an important one, and yet it is purely honorary. It takes a not inconsiderable portion of his time, and yet there is no compensation attached to the office. I think it would be right to attach to the office at least a small salary, sufficient to compensate the officer for the time consumed in attention to its duties.

EXAMINER OF PUBLIC ACCOUNTS.

I have ordered five hundred copies of the report of the Examiner of Public Accounts to be printed for your use, and they will be transmitted to you at an early day in the session.

The Examiner has been almost constantly employed, and has fulfilled the functions of his office with fidelity and ability.

On the 10th inst, I caused the money in the treasury to be counted. The count was made in the presence of the Secretary of State and the Examiner, by Mr. G. W. Craik, of the First National Bank of Montgomery. The count showed that there was on that day in the treasury \$304,317.63. A copy of the report is transmitted with this message.

ATTORNEY GENERAL AND CRIMINAL ADMINISTRATION.

I transmit to you the report of the Attorney General for your consideration. The office of Attorney General makes great demands on its incumbent. In all cases in which the State is a party in the court of final resort, his personal attention is required by law. He is compelled to confront the best legal talent and the actual time required by this work is very considerable. In addition to all this, in all the numerous and ever recurring questions arising in the administration of the revenue laws, in advance of the action of the courts his opinion is binding on officers, is almost daily required, concerns difficult questions and altogether constitutes an important branch of civil administration. He is required to live at the capital and indeed his work can not be fully performed unless he is almost constantly here. And yet the salary affixed to this office is fifteen hundred dollars a year and there are substantially no fees attached. The compensation is entirely inadequate. The labor and responsibility of the office grow with the progress of the State and the salary ought to be increased.

In this connection, I submit and do so at the close of my term of office without embarrassment that the salaries paid the Governor and the State officials are not sufficient to guarantee such services as the State is entitled to receive. The fact that the offices may be now competently filled, if true, is not a sufficient argument to justify the present salaries.

It is right to pay a public servant reasonable compensation for his services. Where these services are obtained at less than a reasonable compensation, it is not unlikely that the incumbent of the offices must rely upon his private fortune to supplement his salary, the tendency of which is to bar from public office all those who are not provided with an independent estate. On the contrary the State ought to be able to command the highest virtues and the best talents, and considering the competition for the employment of such in private and corporate enterprises it is desirable that the salaries of the State officials should be increased.

Four years ago the legislature destroyed the old system of maintaining the prosecuting officers or solicitors by fees and substituted therefor reasonable salaries. I do not have any doubt but that the uniform impartial administration of criminal law, so essential to the integrity of any commonwealth has been almost immeasurably reinforced by this opportune legislation. The smaller misdemeanors have not been overlooked, and the hands of able and impartial prosecuting officers have been clenched on the felonies committed in the State. This legislation has strengthened and elevated the office of solicitor and made it one to be desired, by our very best men.

A crying evil of the same character yet remains to be destroyed. It is even a profounder difficulty than that which concerns the office of solicitor, for it is nearer the people. I refer to the maintenance of the offices of justice of the peace, and notaries public with the jurisdiction of justices of the peace, by fees and perquisites. The payment of public officers by fees, adopted in a crude state of society, where each item of payment was meant to compensate the officer for the particular service, is entirely unsuited to that social condition which we have reached, and indeed, it has become obsolete in most civilized communities. Certainly there is no argument which would give an honest color to its continuance as to judicial offices. At present in the outlying country districts it is difficult to get good men to accept these offices not so much on account of the want of compensation, but because of the question put upon the office by reason of the manner of its maintenance; on the other hand in the cities, some of these officials, through fees and perquisites, secure an annual compensation probably greater than that of the salary attached to the office of the Chief Justice.

I recommend the classification of these offices, and if found consistent with the organic law a reduction of their number and their maintenance by a reasonable salary. It may be that a work of such extent and difficulty cannot be accomplished at the present session, but I am sure that such a system should eventually be adopted.

I again call the attention of the Legislature to the delays incident to criminal administration. They are unworthy of our civilization. The court below in any considerable case frequently presents a trial of useless technicalities. On every issue the Circuit Judge must, then and there, without an opportunity to investigate, decide, and all the questions whether merely technical or meritorious, may become, and do generally become a part of the record on review by the appellate Court. There must continue to be very many causes where the merits of the issue are in a remote degree affected by the particular point on which the case was reversed.

There was a time when the citizen, particularly in the trial of any charge in the King's name against him, did need the merciful and watchful guardianship of law against oppression, I have no doubt, however, that the only danger, if any there be, in the future, must come from the people, the source of all authority, and not from the servants designated to administer their laws.

Can there be any doubt that all the meritorious points involved in the trial of a criminal cause are reasonably certain to be made in behalf of the defendant by his counsel, chosen by him, or appointed by the court? And yet, section 4059 of the code affirms that no assignment of error or joinder in error is necessary, and requires the Supreme Court in effect to search the record for the reversal of error. I recommend the repeal of this section of the code. Further I do not think that the Supreme Court should be required to reverse a judgment in any case unless a majority of the judges should be of the opinion that the defendant is on the evidence presented in the record entitled on the merits to a new trial. I know that such a law would crowd the record with substantially all the testimony taken in the trial in the court below, and to this extent would increase the labor of our already overworked appellate court, but the evil which such legislation would remedy is so great that I think this additional labor might reasonably be required; indeed in the

long run in the suppression of unmeritorious appeals, it might be found to lessen the work of reviewing criminal cases

SWAMP AND OVERFLOWED LANDS AND SCHOOL LANDS.

It will be remembered by those familiar with the legislative history of the State, that for many years the demands of the State against the United States for swamp and overflowed land, and for two and three per cent. funds, were denied by the Federal Government, on the ground that the direct tax imposed on the States by Congress to aid in the prosecution of the late war was not paid by Alabama and the amount assessed for this purpose was held to constitute an equitable set off against our demands. This argument was extended until it threatened to interpose this assessment, amounting to about half a million of dollars, to any and every demand whether of money or land asserted by the State.

As early as 1873 a statute was enacted authorizing the Governor to contract for the prosecution of certain named claims against the United States. Under this statute a contract was made by Governor Cobb with Mr. John H. Caldwell, and pursuant to the condition imposed by law his remuneration was made contingent on his success, and payable out of the fund or property realized, with the additional obligation that all the costs of the prosecution should be borne by Mr. Caldwell. This contract with Mr. Caldwell was renewed by Governor O'Neal, and afterwards by myself under the act of the Legislature of February 28, 1887, whereby under the terms of the act the contract was made to include all claims of the State against the Federal Government. The claims of the State were prosecuted with diligence, ability, fidelity and success, until after long and doubtful litigation and after many struggles in Congress the formidable claim of set-off was abandoned; and the swamp and overflowed lands were certified to the State, and the two and three per cent. fund with the accumulation of former years, was once more permitted to find its way into the State Treasury.

In the pursuit of these claims against the Federal Government, the agent, Mr. Caldwell, called attention to the long neglected claim of the State under section 2275 of the revised Statutes of the United States to indemnity for defi-

ciencies in the 16th sections, which, as is well known, have been set apart to the public schools. Even this claim was sought to be avoided on the same ground as hereinbefore stated, but it was finally conceded. In the progress of its assertion the agent of the State conceived that the schools were entitled to have selections made from any of the public lands. This claim was met with strenuous objection, and, being carried into the courts, after a long and tedious litigation, the right of the State in behalf of the townships was affirmed, and, thereupon, the agent was allowed to proceed to make the selections of the reserved mineral lands of the State. The value of this work to the State is great. It was accomplished by the agent, with his associates, with the agreement that the State should be burdened with no expense, and, that the agent should receive no compensation except in the event of success, and in that case that he should receive the same rate of compensation which he had received on account of his work in connection with the swamp and overflowed lands, and the 2 and 3 per cent. fund. This rate had been 25 per cent. of the money actually realized. I proposed, under the Statute, and under contract made in accordance therewith, to secure this to him. Upon an examination, however, of the contract made on the 17th day of March, 1887, in connection with the Statute of the 28th of February, 1887, I reached the conclusion that this valuable work was not covered by the terms of the Statute or of the contract. The work had been accomplished, a great advantage secured, and I was unable to secure to Mr. Caldwell the compensation which he had earned. The lands aggregating 35,395.17 acres have been certified to the State. These lands belong to a great number of townships. They are owned in vastly different proportions. A partition of them among the townships is practically impossible, and I recommend the passage of a law authorizing these lands to be sold, and the proceeds of the sale to be applied to the different townships of the State, after a deduction of twenty-five per cent. to be paid to the diligent, faithful and efficient agent through whose service the State has received this benefit.

I have not sold any of the swamp and overflowed lands, though authorized to do so.

I have held to the opinion that any sale which might be made would not realize their true value. They are alto-

gether timber lands, some of them valuable, and if owned by an individual it would doubtless be the part of good policy to sell them, for depredations upon them cannot be prevented. The State, however, should hesitate to convey these lands to other than actual settlers, for in the residence of a good citizen is to be found the only adequate compensation to the State for parting with its title to any of the public domain.

CONVICT DEPARTMENT.

The penal system of a State contemplates the preservation and improvement of society. Punishment for crime is not intended to inflict pain or degradation. Its purpose is to improve social conditions by preventing crime, and the sentiment of revenge is no more permissible in a State than in an individual. Capital punishment itself is but a species of moral surgery, whereby a wicked and hopelessly depraved member of the body politic is severed for the health of the community. In every other punishment the law proposes the reformation of the criminal, as well as terror to evil doers. These are the principles which for many years have inspired our legislative and official administration. They have been applied under peculiar difficulties. In every State it is important that the system should be self-supporting, and in our financial condition we have been compelled to attach the greatest importance to this consideration. It was the financial consideration which induced the State to adopt the lease system, as it is known, for it is not contended in any respectable quarter that it is best calculated to secure the purposes for which punishment is inflicted. In our experience we have passed from very crude experiments to a condition which enables us to claim that we have in Alabama the most humane administration of the lease system known to any of the States. And yet the lease system in Alabama may be greatly improved.

There are two classes of convicts. Under the law a prisoner may be sentenced to the penitentiary or to hard labor for the county. Those who are sentenced to the penitentiary are under control of the Board of Inspectors of convicts. They are State convicts. The money arising from their hire is the State's money. These are all hired to one corporation under a contract wherein the absolute control of

the convicts is reserved to the inspectors. A careful system of classification is imposed, to the end, that no man shall be required to perform labor beyond his reasonable ability.

And then without embarrassment the sick, the disabled, the women and children are transferred to the walls of the Penitentiary at Wetumpka, a place prepared by the State, where punishment is still imposed, but where it is administered in accordance with humanity. The other class of convicts are those who by the terms of the statute, or by the discretion of the Courts, are condemned to hard labor for the several counties. As to these convicts separate contracts are made with the authorities of the several counties. The money arising from their hire is the money of the counties, and while supervision of these convicts and the power of abrogating the contract is given to the Board of Inspectors, practical control of them is prevented by their relation to the counties. If a contractor shall be found abusing his relations, or if any reason requires the abrogation of the contract, what disposition would the Inspectors make of the convicts. Shall they be returned at great expense and inconvenience, and probably at the risk of discharge by legal process, to the jails to be rehired? Surely this presents a condition which calls for a remedy. Again, the sick, the disabled and the young can not under the law be transferred to the walls of the penitentiary, but they must remain at the prison and be denied the privilege which is accorded to State convicts in the same condition.

I recommend that the Board of Inspectors be authorized to remove this class of convicts to the walls of the penitentiary, and further that whenever it may become necessary to abrogate the contract of a county or counties, that the Inspectors be authorized to rehire the convicts under proper regulations for the benefit of the counties. I again recommend that every person convicted of felony be sent to the penitentiary.

These amendments are recommended to be made at this session of the Legislature to improve the present system while it exists. The system itself can not be immediately supplanted without the assumption of an expense which at this time the State cannot afford. There are no horrors or barbarities which cry for such a sacrifice. This argument is meant to advance our progress to the best penal system. This we are entitled to have, and this we can only have

when the State gets between the spirit of avarice and the servitude of the convict, until the labor of the convict is received directly on public account, until there shall come in touch with the convict those immediate agents chosen with reference to their administrative capacity, to their diligence and to their fidelity to the doctrine, that punishment is intended to reform the offender if that be possible; if that be impossible, to secure society forever against his depredations by unending confinement; to terrify evil doing, and in no sense whatever to revenge the State by inflicting pain or degradation.

The buildings and grounds at Wetumpka are worthy to be a nucleus about which the new system may gather. The women and children and the disabled of the State convicts are gathered there already, and their labor under the able and faithful administration of the President of the Board of Inspectors, secured directly on public account, as shown by his report, which is referred to for details, has yielded a return even beyond our expectations. But the land of the State at this place was and is not sufficient to afford agricultural employment for the convicts there, and the Inspectors were induced to make a contract with Mr. Thos. Williams, a large land owner in that vicinity, whereby this labor has all been employed and with profit to the State. This was meant, however, as an expedient, and I recommend the purchase by the State of land in the immediate vicinity of the penitentiary, to the end that the convicts may be worked exclusively on public account. The State owns a farm consisting of 1,819 acres in Montgomery county. It is distant six miles from Wetumpka. It is subject to overflow. It has rented for a number of years at five hundred dollars per year. It is too distant to be worked by the convicts at the penitentiary. The land is fertile and its proximity to Montgomery will eventually bring it into demand. Its true value can not be had by a present sale. The State can afford to hold it until a reasonable price is offered for it. In the meantime it is rented yearly at public outcry.

I again recommend the creation of a special commission composed of three men of business capacity, of courage and humanity, familiar with state-craft and devoted to social progress, who shall be charged with an investigation of the entire subject of penal servitude as it should be adminis-

tered in the State, and to report at the next session of the Legislature with recommendations.

PUBLIC ROADS, RAILROADS AND PUBLIC SCHOOLS.

It is not long since the population of this country was dispersed along the seashore and the banks of the navigable rivers. The sea and the rivers, with a few roadways, were the only highway, and along these, towns and cities by slow processes formed themselves, their progress being largely dependent on natural conditions. These pathways of travel are uncontrolled by the land of private or corporate enterprise. But the application of steam to railway transportation has worked a complete change. The railroads belong to individuals or corporations. They have superseded largely the wagon-road and river transportation. Uncontrolled, they have the power not only to build towns and cities, but to depopulate communities. Competition between railroad companies has been found entirely insufficient to relieve the situation. Even where there are competing lines between two great cities, the rates from city to city are often fixed at figures claimed to be beneath the actual cost of transportation, and the difference is placed upon the residents along the lines of the respective roads.

It is necessary that our rivers and water ways should be made as far as possible navigable, and this the Federal Government has assumed to do, and I think we may confidently expect that before the lapse of a long time this great work will be accomplished. In many sections of the State the wagon roads are not in condition to make travel and transportation easy. The system by which they are mended is bad. We continue to work the public roads as our ancestors fought the savages—by calling out the able-bodied men. The time consumed in working the public roads is a great deprivation to the farm, and frequently a waste of effort on the roads. Whenever road work has to be performed, it ought to be committed to men who have become expert in it. The law of the division of labor is mocked at by the present system, and it ought to be reformed. The public roads ought to be worked under contract with the township or county authorities, and paid for by a tax levied for that purpose.

It has now been nearly ten years since this State estab-

lished a Railroad Commission. It was then argued that an effort to thus arbitrate between the public and the great railroad corporations would be abortive, if for no other reason, because the operation of the law was necessarily confined to the territorial limits of the State. Since that time we have seen the Federal Government assume the regulation of Inter-State commerce, and the Federal Commission, together with the State Commission, have already accomplished great good to the country. The administration of the law in this State has justified the wisdom of its enactment, and a prudent extension of the powers of the Commission as exigencies arise, will doubtless secure that equality between individuals and sections that is so much to be desired.

The one proposition on which all intelligent men are agreed, the very corner stone of all that there is in the world, is that the training of youth is the best guaranty of progress. In Alabama the public school still languishes. We put out this year \$90,360 tons of pig iron, mined about 4,000,000 tons of coal and are gathering bountiful crops of cotton, and yet we only paid about 80 cents for the education of each child in the State.

The report of the Superintendent of Education is in the hands of the printer and will be transmitted. His recommendations are entitled to great consideration. He retires from office after a faithful and able administration. He has done the very best that could be done with the material, but the difficulty has been that the State has not been able to spare enough money from the general fund.

The power of local taxation for local purposes is necessary to the progress of any community. Every man should pay for what he gets, and get what he pays for. Every township should have a good school and good roads, but the township itself should furnish them if it be able to do so. Yet since the decision of the case of Schultes against Eberly, 82 Alabama, 242, which denies the authority of the Legislature to delegate to school districts the right to levy a tax, there has been found no remedy. As in the case of public roads, the Constitution is in the way.

A NEW CONSTITUTION.

It is quite the habit of the day, here and elsewhere, to dis-

cuss the race question, and it is not to be denied that there are difficulties in the social problem where homogeneity in race is wanting. Fortunately for Alabama the trouble, such as it is, is a local one. There are sixty-six counties in Alabama. In 1880 there were in this State, of whites 662,185, and of blacks and mixed blood 600,108. In forty-three counties the whites were in the majority, averaging 6,691; in twenty-three counties the colored people were in the majority, averaging 14,158. In two of these counties the ratio of blacks and whites was nearly five to one; in three others four to one, and in several more three to one. Nearly 70 per cent. of the colored people in 1880 lived in twenty-three counties; 40 per cent. in ten counties; 25 per cent. in five counties and 13 per cent. in two counties. In forty-three counties of this State there is not nor has there been any trouble on this score. The white people and the colored people here live together in perfect amity, and the rights of all are not even questioned. It is in the limited district of Alabama that I have described where any question is made, and there the difficulty is largely exaggerated. I regret that I have not been able to obtain the figures on this particular subject from the present census, but enough is known to assure us that the evil so far from having increased, has greatly diminished. The progress of distribution, already begun, and sure to advance with accelerated pace, will settle the whole question almost before we have ceased to talk about it. It is acknowledged on every side that the debasement of the suffrage by the reconstruction legislation was a mistake, and every just person admits that the suffrage should have been extended just as the new citizens proved themselves qualified to cast an intelligent ballot.

Apart from any question of race, however, and deeper is ballot reform, already proven in many of the States, and around which gathers an ever-increasing interest. We can not but desire to keep pace with this intelligent movement. It is not accurate to say that upon it depends the perpetuity of free institutions. That is already secured. But, it does involve the measure of our progress.

Difficulties are in the way. The State was re-admitted to representation in Congress on the 25th day of June 1868, upon the fundamental condition that the grant of universal suffrage made by the Constitution of 1868 should never be revoked. The validity of this legislation has to some extent

been considered in two cases of Texas against White, Wallace, 720, and White against Hart, 13 Wallace, 650. Section 38 of article 1 of the present Constitution of this State declares that no educational or property qualifications for suffrage or offices shall be made by the legislature, and article 8 of this same instrument provides the qualification for suffrage. Every male citizen of the United States who is 21 years old, who shall have resided in the State one year and in any county for three months, and who is not a convicted felon or an idiot or an insane person, has the right to vote and the legislature has no power to add any other qualification. The principle that the qualification having been fixed by the Constitution cannot be altered by the legislature is affirmed by the best commentators, and I think is expressly declared in the case of *ex parte Dorsey*, in *Porter*, 293.

The entire subject of ballot reform is environed by the State Constitution and it cannot be reached except by an amendment of the Constitution or by the call of a convention and the adoption of a new Constitution. The Constitution can only be altered or amended in accordance with the following provisions of the present Constitution:

“ARTICLE XVII—MODE OF AMENDING CONSTITUTION.

“Section 1. The General Assembly may, whenever two-thirds of each House shall deem it necessary, propose amendments to this Constitution, which, having been read on three several days in each house, shall be duly published in such manner as the General Assembly may direct, at least three months before the next general election for Representatives, for the consideration of the people, and it shall be the duty of the several returning officers at the next general election which shall be held for Representatives to open a poll for the vote of the qualified electors on the proposed amendments, and make a return of said vote to the Secretary of State, and if it shall thereupon appear that a majority of all the qualified electors of the State, who voted at such election, voted in favor of the proposed amendments, said amendments shall be valid, to all intents and purposes, as parts of this Constitution, and the result of such election shall be made known by a proclamation of the Governor.

“Sec. 2. No convention shall hereafter be held for the purpose of altering or of amending the Constitution of this

State, unless the question of convention or no convention shall be first submitted to a vote of all the electors of the State, and approved by a majority of those voting at said election."

Experience indicates the difficulty of having an amendment adopted, and the only remedy left is to submit the question of convention or no convention to a vote of the people with the view of ascertaining their will on this subject. I should favor a convention, not with the view of rendering nugatory the 14th and 15th amendments of the Federal Constitution, for I consider this absolutely impossible, but with the view of securing by just limitations applicable to all citizens in every election, the free, intelligent, unimpeded and unpurchased choice of the people. Notwithstanding the fundamental conditions to which I have referred, I think that the accomplishment of a purpose so patriotic and so exalted would commend itself to all thinking people without regard to party lines or race distinction. I acknowledge that I consider a grant of power to the local authorities to be exercised at the request of a community to levy a special tax for the benefit of public schools, which could also be secured in a new Constitution, even more important than ballot reform. Every remedy is largely an expedient except that which makes the citizen a better man.

These are some of the considerations which induce me to invite your attention to the propriety of submitting to the people at the next general election the question of calling a convention of the people.

I transmit to you the very full and complete report of the Treasurer.

The report of the Auditor is still with the printer but will be upon your desks in a few days. The excellent management of the office is shown by the collection of all the revenues of the State, except a very small amount in litigation.

I acknowledge in conclusion the hearty co-operation of all the officers and assistants of the various departments of the State Government during my administration.

THOS. SEAY.

REPORT OF EUGENE A. SMITH, STATE GEOLOGIST.

UNIVERSITY, ALA., Oct. 18, 1890.

To His Excellency, Gov. Seay—

DEAR SIR:—In accordance with your suggestion made to me last winter, I write the following outline of what has thus far been accomplished by the Survey under the present appropriation, what it will yet finish up with the present appropriation, and what it seems to me to be desirable yet to accomplish in the direction of more detailed examinations and description of certain regions of the State.

REPORTS.

1. On the Warrior Coal Field, published some four years ago.
2. On the Cahaba Coal Field and adjacent regions, with map and illustrations; about to be issued from the press; will be ready for the Legislature.
3. Report on the Coal of the Plateau region of Jackson, Madison, DeKalb, Marshall, Morgan, Blount and Etowah. About ready, and will be put into the hands of the printers as soon as the Cahaba Report is finished by them.
4. Report on the iron ore regions of the State in the Tennessee, Blount Springs, Murphee's, Jones' and Roup's, Cahaba and Coosa Valleys. This is to be accompanied by two maps, one on large scale, and some illustrations. This is almost entirely written up, and will be ready before the preceding is printed.
5. Report on the Cretaceous and Tertiary of Southern Alabama, including the marl and phosphate region. This will have a map and a large number of illustrations. This report has been written up for several years, but we have been waiting for the map of the State to be finished before printing the same. It will be published as soon as the other two are out of the way.

By looking at the map it will be seen that these reports cover the whole of the State, except that occupied by the crystalline rocks; i. e. the so-called gold region or granite region, including the counties of Cleburne, Clay, Coosa, Tallapoosa, Elmore, Chilton, Chambers, Lee and Randolph,

and it is the intention to put the whole force of survey during the two remaining years of the present appropriation, into that territory which can very easily be gone over, on the same scale as the rest of the State, in the time mentioned. In addition to the above, I might mention that the Agricultural report of 1881-82 has fully dealt with the main agricultural features and subdivisions of the State, though it was published before the present appropriation was made. It is also my intention, just as soon as the map of the State now nearly finished is ready, to issue a condensed geological description of the whole State describing specially its mineral and agricultural resources, in connection with the geological map. This kind of publication is much more called for than anything else, and would have been published sooner but for the fact that I was anxious to have a good map, which only now has it been possible to get ready. I shall be ready at the end of the present appropriation to turn over to the legislature, reports which will cover the State quite fully, and in the case of the Calaba Field, in a manner which we are not likely to equal for some time to come, and this is what I engaged to do eight years ago when the appropriation was made. But while the survey, upon the scale of the present, was at that time thought to be quite adequate, and under any ordinary circumstances would have been so, yet such has been the progress of Alabama in these last years that our survey has fallen behind the advance of the State, simply because not upon sufficiently enlarged a scale. What we have done would have had to be done in any case, i. e. we should have had to give general geological descriptions of the whole State with more detailed accounts of the regions economically the most important, such as the coal fields and ore regions, but what I think should now be done by the State, is to provide for the permanent organization of a survey upon a scale in some degree proportioned to the importance of the interests involved. Of course, a survey can never be completed in the sense of its having investigated and fully described and mapped all the region, and given an account of all the resources, for that would be an impossibility without going carefully over every foot of the territory, and probing down to great depths at each place; but it is possible to give such a full and detailed description of a State as will answer the requirements of those having lands to sell and those wishing to invest in the lands

or minerals, both for the present time and for many years to come. Such a report and map for instance, are those just now published of the Cahaba Coal Field. It will be a long time before this will have to be re-written, and even then it will be necessary only to keep the description up with the disclosures made by mining operations. Now we should have an account of the Warrior Field, of the Coosa Field, of the iron ore regions of the various valleys, with maps and charts for the better illustration of these descriptions, all upon the same scale of completeness and detail as seen in the Cahaba Map. I think we should have detailed maps on a pretty large scale of all the economically important regions of the State, and these maps, with their descriptive notes, I think, should be issued in such sheets as might be thought most convenient. I should recommend taking the topographic sheets of the U. S. Geological survey, each of which embraces half a degree of latitude and half a degree of longitude. The northeastern part of the State has already been pretty fully mapped by the U. S. Survey, and we might profitably use their sheets for marking down the geology. Others might prefer to make the counties, the units of such geological sheets; it is immaterial which unit be employed, the main thing being the accomplishment of the design, viz.: the thorough mapping, on a good scale, of the geological features of the State. We should always have a full investigation of the soils, marls, and other agricultural features of the State on the same line say, as the agricultural report above mentioned but more complete and searching. I think here might be a great work done, quite equal in importance to anything proposed for the mineral regions, and of benefit to a much larger proportion of our population.

This is a mere sketch of what I have in mind as desirable for such a State as ours, and I shall set it all out in my report to the legislature, at their meeting, in my bi-ennial report of progress, and I think I shall try to see if a bill looking to the enlargement of the scope and usefulness of the survey may not be brought up and passed. I should think that \$10,000 or \$15,000 a year for a fixed term of years, or till otherwise ordered, would be in some degree proportioned to the magnitude of the work and to its importance. Kentucky has kept up a survey for twenty years, and is paying now, I think, about \$8,000 a year, and a great deal of their most expensive work has been done. Georgia had a \$50,000

survey during five years, i. e. \$10,000 a year, not so very long ago, and at the last session of the legislature they re-organized the survey with \$8,000 a year. Neither of these States can compare with ours in those things which call for geological surveys. Pennsylvania must have spent a million dollars on the last survey, if one may judge of the number of volumes (about 80,) and of magnificent maps and atlases published by them, and their first survey fifty years ago was on the largest scale then known in the United States.

You said last winter that if I would give you some outline of what I thought of these matters, and if it could properly come to be a part of the recommendations made in your report to the legislature you would give it your thought. I hope you will understand that I would not make any request in such a matter, for I do not know what might be thought proper to go in a report of the Governor to the legislature. It might well be, that any recommendation from you about enlarging the survey could not with propriety be made to the legislature, and if such were your view, I should be the first to say that you were right in not making any recommendations concerning this or any of the departments. I have not considered whether it has ever been the custom of the Governors to make such recommendations, but I only wish to place before you a concise statement of what we have done in the survey, what we are now doing, what we expect to do with appropriation already made, and what we think should yet be done through the enlargement of the means and the scope of the survey. I have for the past eight years mapped out and carried on the work as has seemed most important, on the scale allowed by the appropriation, and at the end of the appropriation, two years from now I shall, unless in some unforeseen way hindered, have done what I set out to do; but what was planned ten years ago, is now out of date, in view of the wonderful progress made by Alabama, which could not well have been anticipated in 1883. What I hope to see done, is the placing of the survey upon such a footing as regards permanency, and means, as to justify our taking up the work for the rest of the State, on the scale shown in the Cahaba map and report.

Whatever you may feel justified in saying in your report to the legislature towards furthering these ends will be appreciated. If you can with propriety give your approval

to them in your message, it would go far towards accomplishing the object. I know you have always been a good and tried friend to the survey, so that whatever you might do in this connection will not be misunderstood by me. I have felt some hesitation in approaching the subject lest it might cause embarrassment, if you should not think it advisable to make any special recommendation; but I beg of you to make no mention of the survey in your message, which might not be considered by you as perfectly fitting and appropriate to such a document. Favorable mention or no mention at all would not in the least affect my estimate of your attitude towards the survey, for the last four years have shown perfectly what that is. No one in your position has ever done so much for the survey.

Here are the facts and the recommendations which I have to give about the survey, to be used by you or not, as may seem most fitting and in the determination of what is most fitting, personal relations should of course count as nothing.

Yours very truly,

EUGENE A. SMITH.

REPORT OF JAMES A. REEVES, EXAMINER OF PUBLIC ACCOUNTS.

MONTGOMERY, ALA., NOV. 11. 1890.

Hon. Thomas Seay, Governor of Alabama.

SIR—In pursuance of your requirement I had the money in the State Treasury counted on Monday, the 10th inst. Hon. J. D. Barron, Secretary of State for Alabama, was present and supervised the count. The greater part of the money was counted by Mr. G. W. Craik, cashier of the First National Bank of the city of Montgomery,—that not counted by Mr. Craik was counted by the Secretary of State and myself.

Upon an actual count we found the amount
in the treasury to be.....\$ 300,192.53

With the New York, Security and Trust Co.,
for redemption of outstanding six per cent. Bonds 9,524.00

Making in the aggregate the sum of.....\$ 309,716.53

The above amount exceeds the sum as appears from the Treasurer's book by twenty cents, which results, doubtless, from inability to make exact change in the payment of warrants.

There is an unexpended balance in connection with the interest on bonded debt, of July, 1890, of \$3,444.00 of which said amount there is on deposit with the American Exchange Bank, of New York, Fiscal Agents for the State, the sum of \$2,319.00 and the balance \$1,125.00 is in the treasury and was counted. This fund is always kept separate and apart from the other funds in the treasury, it having been drawn out on warrant.

In order to ascertain and report whether or not the amount ascertained by actual count was the correct amount that should be in the treasury, I have obtained from the Auditor's books the following statement, to-wit:

Cash in treasury, Oct. 1, 1890.....	\$ 332,561.17
Receipts to Oct. 8.....	\$ 46,832.26
<hr/>	
Making total amount of	\$ 379,393.43
To Disbursements to Oct. 8, 1890.....	\$ 70,632.94
<hr/>	
By cash in Treasury Nov. 10th, 1890, as shown by the books in Auditor's office.....	\$ 308,760.49

The balance as shown by the Auditor's books being deducted from the amount found to be in the treasury, by an actual count, shows a balance of \$956.04 more than is shown by the books in the Auditor's office. This difference arises from the fact that the Auditor has drawn warrants, amounting in the aggregate to the said sum of \$956.04 which have not been presented to the Treasurer for payment.

All of which is certified and respectfully submitted.

JAMES A. REEVES,
State Examiner of Public Accounts.

Subscribed and sworn to before me this 11th Nov., 1890.

GEO. W. STONE.
C. J. Supreme Court.

I hereby certify that in obedience to your Excellency's requisition made under Section 80 of the Code of Alabama,

I was present at and supervised the counting of the funds in the State Treasury above reported by the State Examiner of Public Accounts—that said funds were counted as therein reported in all respects, and that the aggregate set out in said report represents correctly the results of said count.

J. D. BARRON.
Secretary of State.

November 11, 1890.

On motion of Mr. Hayes, the Governor's message was considered as read and two hundred copies were ordered printed for the use of the Senate.

ADJOURNMENT.

On motion of Mr. Smith of Autauga, at 12:30, p. m., the Senate adjourned until 10 o'clock, a. m., to morrow.

THIRD DAY.

THURSDAY, November 13, 1890.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Moore, of the city.

Present—Messrs. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—29.

The journal of yesterday was read and approved.

LEAVES OF ABSENCE.

Mr. Reynolds was granted indefinite leave of absence on account of sickness. Mr. Bloch was granted leave of absence for one day.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Hundley—

s. 13. To amend an act and the title thereto, entitled an act granting the right of way to the Nashville and Chattanooga Railroad Company through Jackson county and the privilege of constructing a bridge across Tennessee river in said county, approved January 21, 1850.

Internal Improvements.

By Mr. Haralson—

s. 14. To amend and confirm the charter of the Foster Hardware Manufacturing Company, a corporation organized under the general incorporation laws of the State, to change the name of said company and to reduce the amount of its capital stock.

Municipal and County Organizations.

By Mr. Inzer—

s. 15. To prevent the running of freight trains on the Sabbath day in the State of Alabama.

Internal Improvements.

The President announced the appointment of the following

STANDING COMMITTEES OF THE SENATE.

On the Judiciary—Messrs. Compton, Stansel, Inzer, Waddell, Godfrey, Skeggs, Stallworth, Hundley, Wiley, Parker, Smith of Autauga.

On Finance and Taxation—Messrs. Handley, Grant, Smith of Mobile, Harris of Lee, Williams, Bradley, Harris of Hale, Minge, Bloch.

On Federal Relations—Messrs. Hundley, Reynolds, Steagall, Hayes, Nesmith, Davie, Berry.

On Revision of Laws—Messrs. Parks, Parker, Smith of Autauga, Lackey, Bloch, Harris of Hale, Downey.

On Local Legislation—Messrs. Haralson, Bradley, Davie, Smith of Autauga, Berry.

On Education—Messrs. Skeggs, Grant, Downey, Steagall, Handley, Hundley, Cowan.

On Internal Improvements—Messrs. Milner, Stansel, Williams, Cowan, Minge, Bradley, Lackey.

On Agriculture—Messrs. Smith of Mobile, Harris of Hale, Harris of Lee, Steagall, Minge, Davie, Reynolds.

On Municipal and County Organizations and Corporations—Messrs. Lackey, Inzer, Milner, Stallworth, Smith of Mobile.

On Immigration, Industrial Resources and Public Buildings—Messrs. Hayes, Williams, Smith of Mobile, Handley, Bloch, Harris of Lee, Harris of Hale.

Privileges and Elections—Messrs. Stallworth, Waddell, Haralson, Bradley, Lackey.

On Printing—Messrs. Grant, Bloch, Berry.

On the Penitentiary—Messrs. Godfrey, Parker, Grant, Inzer, Minge, Reynolds, Cowan, Berry.

On the Military—Messrs. Wiley, Waddell, Haralson.

On Temperance—Messrs. Cowan, Harris of Lee, Steagall, Smith of Mobile, Nesmith.

On Engrossed Bills—Messrs. Parks, Smith of Autauga, Bloch.

On Enrolled Bills—Messrs. Godfrey, Downey, Berry.

On Revision of the Journal—Messrs. Grant, Lackey, Bloch, Nesmith, Compton.

On Rules—The President, Messrs. Stansel, Compton, Inzer, Grant, Hundley, Parks.

APPOINTMENT OF PAGES.

The President announced the appointment of the following as Pages for the Senate:

Walker Owen, of Montgomery, and Oscar Hayes, of Walker.

ADJOURNMENT.

At 10:45 a. m., on motion of Mr. Cowan, the Senate adjourned until to-morrow morning at 10 o'clock.

FOURTH DAY.

FRIDAY, November 14, 1890.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Moore, of the city.

Present—Messrs. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haral-

son, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams--30.

The journal of yesterday was read and approved.

LEAVES OF ABSENCE.

Leave of absence was granted to Mr. Hundley for one day, to Mr. Davie for one day, and to Mr. Inzer for two days.

REPORT OF SPECIAL COMMITTEE.

Mr. Cowan, from a special joint committee to invite the clergy to open the daily sessions with prayer, reported that the committee had discharged the duty imposed on them, and that the clergy would arrange to comply with said request.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows:

By Mr. Skeggs—

s. 16. To amend section 2973 of the Code,
Revision of Laws;

Also,

s. 17. To amend section 1476 of the Code,
Revision of Laws.

By Mr. Haralson—

s. 18. To amend and confirm the Charter of the Fort Payne Coal and Iron Company, a corporation organized under the General Incorporation Laws of the State.

Municipal and County Organizations.

By Mr. Stansel—

s. 19. Petition for an act to prevent the sale of liquor within three miles of Hebron Baptist Church in Pickens county.

Temperance.

By Mr. Harris of Lee—

s. 20. To change the time of electing Commissioners of Lee county.

Revision of Laws.

By Mr. Smith of Mobile—

s. 21. To dispose of the fine and forfeiture fund in Mobile county, and to provide for the payment of all claims which are by law a charge against said funds.

Finance.

Also,

s. 22. To provide for the compensation of State witnesses in Mobile county.

Finance.

Also,

s. 23. To provide for the election of the general administrator of Mobile county, and for filling vacancies therein.

Revision of Laws.

Also,

s. 24. To protect chickens and other poultry on the premises in the night time.

Revision of Laws.

Also,

s. 25. To require railroad companies to provide suitable water closets on passenger cars or coaches.

Judiciary.

Also,

s. 26. To amend Sections 2 and 4 of an act entitled an act to facilitate the giving of bonds required by law, and authorizing certain corporations to become sole surety thereon.

Finance.

Also,

s. 27. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within half a mile of the City Mission Church and the Corinthian Baptist Church in Mobile county.

Temperance.

Also.

s. 28. To assess the value of stock killed or injured by the trains or locomotives of railroads in Mobile county, and to provide for the collection thereof.

Judiciary.

By Mr. Milner—

s. 29. To authorize the increase of the capital stock and bonded indebtedness of private corporations authorized under special charters.

Municipal and County Organizations.

Also,
s. 30. To amend the Charter of the Birmingham Water Works Company.

Municipal and County Organizations.

Also,
s. 31. To require the Judge of the Probate Court of Jefferson county, in this State, to have made General Indexes to the deed and mortgage records in his office, prior to February 17th, 1887, and to allow compensation therefor out of the County Treasury of said county.

Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted a joint resolution, herewith sent, relative to printing six hundred copies of the Report of the Attorney General.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The House joint resolution in the foregoing message was concurred in.

RECESS.

At 10:50, a. m., the Senate took a recess for ten minutes, at the expiration of which time the Senate reassembled.

ADJOURNMENT.

At 11 o'clock, a. m., on motion of Mr. Handley, the Senate adjourned, till 10 o'clock, a. m., to-morrow.

FIFTH DAY.

SATURDAY, November 15, 1890.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Moore of the city.

Present—Messrs. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Hlandley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansell, Steagall, Wiley, Williams—30.

The journal of yesterday was read and approved.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Nesmith—

s. 32. To amend an act entitled an act to incorporate the town of Courtland in the county of Lawrence, approved December 16th, 1873.

Municipal and County Organizations.

By Mr. Hargrove, (Mr. Stansel presiding)—

s. 33. To incorporate the Alabama Methodist Orphanage.

Municipal and County Organizations.

Also,

s. 34. To extend the usefulness and efficiency of the Geological and Agricultural Survey of Alabama.

Internal Improvements.

Mr. Stallworth—

s. 35. To amend section 2765 of the code.

Judiciary.

Mr. Harris of Lee—

s. 36. To make the office of Commissioner of Agriculture elective.

Revision of Laws.

Mr. Smith of Mobile—

s. 37. To exempt all mortgages on real estate in this state from Taxation.

Finance.

Also,

s. 38. To require all butchers and dealers in live stock, in Mobile county, to keep a register of all stock purchased or received by them.

Local Legislation.

Also,

s. 39. To declare void and of no force the sales of land for taxes made by the tax collectors in this State, previous to the first day of July, 1887, where such lands were bid in for the State, and have not been redeemed by the owner, or other persons entitled under the laws of the State to redeem such lands, or that have not been sold or transferred by the State under any law governing the sale or transfer of such lands sold for taxes, and to remise, release and quit-claim all the title of the State therein to the owner thereof.

Finance.

By Mr. Compton—

s. 40. To authorize and allow execution to be issued on any judgment which has been, or may hereafter be, properly registered in the office of the judge of probate.

Judiciary.

By Mr. Wiley—

s. 41. To amend section 2755 of the code.

Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the following Senate joint resolutions:

Relative to raising a joint committee on rules.

Committee on the part of the House—Messrs. Brewer, Clayton and Pettus.

Also,

Relative to raising a committee to consider needed improvements on the capitol grounds and building.

Committee on the part of the House—Messrs. Scott, Snaw, Smith of Dallas.

Also,

Relative to the two and three per cent. fund.

Committee on the part of the House—Messrs. Lewis, Avery and Purifoy.

Also,

Relative to raising a joint committee to consider the subject of apportionment of representatives to the different counties of the State.

Committee on the part of the House, from the State at large—Messrs. Meador and Adams.

First District—Mr. Watters.

Second District—Mr. Lee of Conecuh.

Third District—Mr. Smith of Russell.

Fourth District—Mr. Brewer.

Fifth District—Mr. Harris.

Sixth District—Mr. Foster.

Seventh District—Mr. Cooper.

Eighth District—Mr. Lane.

And has adopted a joint resolution, herewith sent,

Relative to raising a joint committee on printing public documents.

Committee on part of the House—Messrs. Sayre, Brown and Buck.

Also,

Joint resolution relative to counting vote for State officers in last general election.

BENJ. ELMORE,
Clerk.

HOUSE MESSAGES.

The House joint resolutions in the foregoing message were concurred in.

The President appointed as the committee on the part of the Senate, under the first resolution, Messrs. Grant and Skeggs.

REPORTS OF COMMITTEES.

Mr. Handley, from the Finance Committee, returned the bill,

s. 7. To amend section 2319 of the Code, so far as the same relates to Jefferson county;

Which was recommitted to the committee on Local Legislation.

Also, returned the Senate joint resolution,

s. J. R. 3. Proposing amendment to section 5 of article XI of the Constitution of the State of Alabama;

Which was recommitted to the committee on the Judiciary.

RESOLUTIONS.

Mr. Nesmith offered a resolution, which was adopted, as follows:

Resolved, That the Judiciary Committee be and is hereby requested to investigate and report by bill, or otherwise, a remedy at law for the enforcement and collection of debts secured by mortgage on crops, when said crops are owned by tenants in common, so as to cure the defective remedy of an action of detinue, when said crops are owned by tenants in common.

RECESS.

At 10:30 o'clock, a. m., on motion of Mr. Hundley, the Senate took a recess for fifteen minutes, at the expiration of which time the Senate reassembled.

MESSAGE FROM THE HOUSE.

Mr. President:

I am instructed by the House to invite the Senate to the hall of the House of Representatives for the purpose of witnessing the counting the vote for the executive officers of the State.

BENJ. F. ELMORE,
Clerk.

JOINT CONVENTION.

Thereupon, at the hour of eleven o'clock, a. m., the Senate proceeded to the hall of the House of Representatives to witness, in joint convention with the House of Representatives, the opening the returns, ascertaining and proclaiming the result of the election held in August, 1890, for executive officers of the State.

There were present of the Senate—

Messrs. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Hundley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—30.

And of the House—

Messrs. Speaker, Adams, Almon, Amason of Sumter, Amason of Tallapoosa, Appleton, Armistead, Ayres, Bain, Barnett, Bass, Bevis, Bishop, Blackwell, Brown, Buck, Burford, Clanton, Clayton, Coleman, Cooper, Cornelius, Crews, Cox, Davidson, Davis of Fayette, Davis of Lamar, Davis of Winston, Edwards, Finch, Forman, Foster, Gilchrist, Gordon, Guthrie, Harris, Henry, Howle, Hufham, Jackson, Johnson, Jones, Judge, Kelly, Kemp, Lane, Langley, Lee of Barbour, Lee of Conecuh, Leigh, Lewis, Long, Longshore, Loveless, Meador, Moore of Baldwin, Nolen, Northington, Parker, Parks, Peacock, Pettus, Powell, Purifoy, Quarles, Rainsey, Rather, Rousseau, Sayre, Scott, Screws, Simmons, Smaw, Smith of Dallas, Smith of Russell, Sparkman, Steele, Sullivan, Thrasher, Townsend of Limestone, Townsend of Pike, Tucker of Crenshaw, Tucker of Lauderdale, Wade, Watters, Webb, Whatley, White, Wilson, Young—90.

There being a majority of the General Assembly present, the Speaker of the House proceeded to open the returns of the last election for executive officers of the State, held on the first Monday in August, 1890, ascertain and proclaim the result as follows:

OFFICIAL VOTE OF ALABAMA, AUGUST, 1890.

COUNTIES.	For Governor.		For Secretary of State.			For Attorney General.			
	Thos. G. Jones	B. M. Long	L. C. Coulson	J. D. Barron	Chas. C. Austin	B. Andrews	W. L. Martin	C. D. Alexander	L. M. Davis
Autauga	1,387	254	120	1,392	254	.....	1,392	254	.....
Baldwin.....	724	385	.....	735	384	110	735	383	110
Barbour.....	4,982	389	.....	4,982	389	.....	4,982	389	.....
Bibb.....	1,101	573	.....	1,101	574	.....	1,102	573	.....
Blount.....	1,500	246	44	1,554	210	36	1,564	208	32
Bullock.....	2,068	659	.....	2,074	659	.....	2,074	658	.....
Butler.....	2,731	735	.....	2,736	738	.....	2,747	738	.....
Calhoun.....	2,473	398	21	2,487	401	21	2,488	402	20
Chambers.....	2,036	1,326	.....	2,065	1,325	.....	2,066	1,325	.....
Cherokee.....	1,919	56	18	1,967	39	18	1,964	39	18
Chilton.....	1,420	279	1	1,436	280	1	1,436	280	1
Choctaw.....	1,015	246	1	1,048	241	.....	1,047	241	.....
Clarke.....	1,737	451	.....	1,738	451	.....	1,738	451	.....

Clay.....	1,201	608	.....	1,271	497	21	1,266	503	21
Cleburne.....	1,038	260	14	1,095	209	9	1,095	183	9
Coffee.....	1,122	65	.....	1,152	65	.....	1,152	65	.....
Colbert.....	1,350	1,050	43	1,355	1,052	37	1,354	1,054	27
Conceh.....	1,319	830	.....	1,351	830	.....	1,350	830	.....
Coosa.....	1,292	266	126	1,326	266	113	1,335	266	107
Covington.....	1,031	22	.....	1,050	22	.....	1,051	22	.....
Crenshaw.....	1,963	377	1	1,991	377	1	1,991	377	1
Cullman.....	754	213	16	779	182	11	777	172	11
Dale.....	1,584	203	.....	1,589	201	.....	1,589	201	.....
Dallas.....	7,883	1,128	.....	7,885	1,128	.....	7,884	1,128	.....
DeKalb.....	1,569	968	.....	1,594	965	.....	1,593	965	.....
Elmore.....	2,053	1,207	.....	2,147	1,209	.....	2,146	990	.....
Escambia.....	541	181	.....	555	181	.....	556	181	.....
Etowah.....	2,405	741	.....	2,434	741	.....	2,435	741	.....
Fayette.....	1,090	379	98	1,177	331	75	1,114	324	73
Franklin.....	945	459	45	947	447	42	950	447	42
Geneva.....	967	42	.....	989	42	.....	989	42	.....
Greene.....	1,871	514	.....	1,876	514	.....	1,876	485	.....
Hale.....	3,890	441	.....	3,861	514	.....	3,861	512	.....
Henry.....	1,890	549	116	1,917	559	150	1,918	557	149
Jackson.....	2,410	1,174	102	2,424	1,137	86	2,462	1,103	83
Jefferson.....	7,921	927	20	7,965	882	17	7,968	881	16
Lamar.....	1,445	303	4	1,490	293	4	1,491	293	4
Lauderdale.....	1,473	435	.....	1,560	432	.....	1,560	427	.....
Lawrence.....	1,426	1,706	51	1,490	1,694	31	1,499	1,694	31

OFFICIAL VOTE OF ALABAMA, AUGUST, 1890—CONTINUED.

COUNTIES.	For Governor.			For Secretary of State.			For Attorney General.		
	Thos. G. Jones	B. M. Long	L. C. Coulson	J. D. Barron	Chas. C. Austin	B. Andrews	W. I. Martin	C. D. Alexander	L. M. Davis
Lee,	2,387	1,190	1	2,393	1,288	.....	2,329	1,283	.....
Limestone,	1,294	473	.....	1,343	471	.....	1,345	468	.....
Lowndes,	4,965	1,020	.....	4,965	1,020	.....	4,965	1,020	.....
Macon,	1,428	363	.....	1,460	361	.....	1,460	361	.....
Madison,	2,339	1,936	81	2,397	1,925	61	2,403	1,920	61
Marengo,	4,712	928	.....	4,712	928	.....	4,712	928	.....
Marion,	1,173	455	1	1,181	448	.....	1,181	446	.....
Marshall,	1,807	354	60	1,933	319	50	1,949	323	50
Mobile,	2,274	1,797	28	2,297	1,795	28	2,297	1,795	28
Monroe,	2,175	516	.....	2,175	516	.....	2,175	516	.....
Montgomery,	5,787	2,427	.....	5,787	2,427	.....	5,787	2,428	.....
Morgan,	1,672	587	95	1,644	542	145	1,574	491	97
Perry,	4,484	831	.....	4,494	831	.....	4,494	761	.....

Pickens,	1,520	79	1	1,543	79	1	1,543	79	1
Pike,	1,942	748	.....	1,964	748	.....	1,960	742	.....
Randolph,	1,130	396	21	1,150	387	21	1,150	385	21
Russell,	1,623	699	.....	1,663	699	.....	1,633	699	.....
Shelby,	2,015	953	.....	2,110	942	.....	2,108	944	.....
St. Clair,	1,263	207	89	1,327	197	61	1,330	197	61
Sumter,	2,385	803	.....	2,393	803	.....	2,393	804	.....
Talladega,	2,472	937	1	2,510	929	1	2,498	880	1
Talapoosa,	2,163	806	1	2,299	802	1	2,301	802	1
Tuscaloosa,	2,119	462	101	2,116	457	100	2,115	457	99
Walker,	1,431	1,349	4	1,476	1,314	7	1,475	1,317	4
Washington,	988	280	.....	989	280	.....	989	280	.....
Wilcox,	4,436	298	5	4,431	298	5	4,433	298	5
Winston,	402	452	55	401	393	52	400	387	51
Totals.....	139,912	42,396	1,385	141,698	41,914	1,316	141,128	40,865	1,236

SCATTERING VOTE:—

For Governor, there were cast for R. F. Kolb, in Blount, 3; Cherokee, 1; Cleburne, 7; Coffee, 9; Cullman, 1; Dallas, 2; Elmore, 1; Greene, 1; Jefferson, 1; Lawrence, 4; Marshall, 1; Morgan, 9; Shelby, 20; St. Clair, 1; Sumter, 1; Talladega, 5—Total, 72. For I. A. Collins, in Clay, 10; For S. L. Russell, in Chambers, 1; Cherokee, 3; Jackson, 2; Jefferson, 3; Marshall, 1—Total, 10. For L. F. Box, in Marshall, 6. For — Filles, in Choctaw, 5. For James Crook, in Cherokee, 1. For T. C. Kidd, in Elmore, 1. For — Powell, in Lamar, 1. For J. F. McDonald, in Shelby, 2. For J. M. Whitehead, in Shelby, 1.

For Secretary of State: For G. C. Thigpen, in Clay, 9. For Lee Bentley, in Shelby, 2. For J. B. Stanley, in Morgan, 1. For A. M. Irwin, in Jefferson, 1. For A. N. McEwin, in Jefferson, 2. For J. T. Baker, in Morgan, 1.

For Attorney General: For E. F. Jennings, in Cleburne, 33; Greene, 29; Hale, 2; Marion, 1; Perry, 70; Talladega, 14—Total, 149. For C. G. Alexander, in Elmore, 128; For C. L. Alexander, in Elmore, 92. For S. A. Billingslea, in Jefferson, 3. For D. Collier, in Jackson, 1. For I. H. Thomas, in Jefferson, 1.

OFFICIAL VOTE OF ALABAMA, 1890—CONTINUED.

COUNTIES.	For Auditor.		For State Treasurer.		For Superintendent of Education.				
	C. D. Hogue.	E. F. Jennings.	G. C. Thigpen.	Jno. L. Cobbs.	Richard Wood.	J. H. Vandergriff.	Jno. G. Harris.	R. H. Parker.	W. M. Wood.
Autauga.....	1,392	254	.....	1,392	254	.....	1,392	256	.....
Baldwin.....	738	383	110	740	383	110	739	383	110
Barbour.....	4,982	389	.....	4,982	389	.....	4,985	389	.....
Bibb.....	1,100	573	.....	1,102	573	.....	1,101	572	.....
Blount.....	1,562	207	32	1,563	208	32	1,576	207	34
Bullock.....	2,074	659	.....	2,074	659	.....	2,074	659	.....
Butler.....	2,746	738	.....	2,746	738	.....	2,747	738	.....
Calhoun.....	2,486	402	21	2,487	402	21	2,487	402	21
Chambers.....	2,063	1,325	.....	2,065	1,325	.....	2,063	1,325	.....
Cherokee.....	1,965	39	18	1,959	41	18	1,966	38	18
Chilton.....	1,436	280	1	1,427	279	1	1,436	280	1
Choctaw.....	1,048	241	.....	1,048	241	.....	1,046	241	.....
Clarke.....	1,738	451	.....	1,737	451	.....	1,738	451	.....

Clay.....	1,266	502	66	1,279	505	21	1,267	501	21
Cleburne.....	1,098	186	9	1,084	218	9	1,000	215	9
Coffee.....	1,152	65	.....	1,152	65	.....	1,152	65	.....
Colbert.....	1,352	1,054	29	1,355	1,052	37	1,354	1,055	36
Conecuh.....	1,350	830	.....	1,351	830	.....	1,350	830	.....
Coosa.....	1,335	266	115	1,336	270	109	1,340	266	111
Covington.....	1,050	22	.....	1,050	22	.....	1,051	22	.....
Crenshaw.....	1,991	377	1	1,989	377	1	1,989	377	1
Cullman.....	779	182	11	777	181	11	762	151	64
Dale.....	1,588	201	.....	1,588	201	.....	1,589	201	.....
Dallas.....	7,884	1,128	.....	7,885	1,128	.....	7,885	1,128	.....
DeKalb.....	1,593	965	.....	1,592	966	.....	1,596	965	.....
Elmore.....	2,146	1,204	.....	2,147	1,204	.....	2,156	1,208	.....
Escambia.....	556	181	.....	549	186	.....	557	181	.....
Etowah.....	2,435	741	.....	2,434	741	.....	2,435	741	.....
Fayette.....	1,177	324	75	1,181	324	75	1,216	274	97
Franklin.....	950	451	43	949	449	42	952	448	46
Geneva.....	989	42	.....	990	42	.....	988	42	.....
Greene.....	1,876	485	29	1,876	514	.....	1,876	514	.....
Hale.....	3,860	512	2	3,861	514	.....	3,858	514	.....
Henry.....	1,917	556	149	1,844	618	149	1,921	558	146
Jackson.....	2,423	1,120	110	2,424	1,125	86	2,417	1,108	85
Jefferson.....	7,965	882	16	7,963	881	16	7,967	882	16
Lamar.....	1,496	293	.....	1,491	293	.....	1,491	293	4
Lauderdale.....	1,547	421	20	1,560	427	.....	1,563	425	.....
Lawrence.....	1,505	1,683	31	1,504	1,696	31	1,504	1,694	34

OFFICIAL VOTE OF ALABAMA, 1890.—CONTINUED.

COUNTIES.	For Auditor.		For State Treasurer.		For Superintendent of Education.		
	E. F. Jennings.	G. C. Thiipen	Jno I. Cobbs.	Richard Wood.	Jno. G. Harris.	R. H. Parker.	W. M. Wood.
Lee.....	2,391	1,188	2,391	1,188	2,391	1,188	.....
Limestone.....	1,347	473	1,344	473	1,345	473	.....
Lowndes.....	4,965	1,020	4,965	1,020	4,965	1,020	.....
Macon.....	1,460	361	1,460	361	1,488	361	.....
Madison.....	2,398	1,925	2,399	1,925	2,398	1,926	.....
Marengo.....	4,712	928	4,712	928	4,712	928	61
Marion.....	1,182	449	1,183	449	1,182	447	2
Marshall ..	1,941	321	1,937	321	1,949	323	50
Mobile ..	2,297	1,795	2,302	1,795	2,295	1,795	28
Monroe.....	2,174	516	2,174	516	2,174	515	.....
Montgomery.....	5,787	2,428	5,787	2,428	5,788	2,427	.....
Morgan ..	1,660	549	1,669	542	1,651	505	193
Perry.....	4,482	761	4,493	831	4,493	831	.....

Pickens	1,541	79	1	1,540	79	1	1,542	79	1
Pike.....	1,965	747	.....	1,965	747	.....	1,957	747	.....
Randolph	1,149	387	21	1,146	387	21	1,148	386	21
Russell	1,633	699	.....	1,623	699	.....	1,633	699	.....
Shelby.....	2,113	820	.....	2,103	947	.....	2,098	945	.....
St. Clair.....	1,326	199	62	1,324	192	74	1,331	195	61
Sumter.....	2,393	803	.....	2,393	803	.....	2,383	804	.....
Talladega.....	2,510	935	1	2,509	930	.....	2,512	930	1
Tallapoosa.....	2,301	798	1	2,298	799	1	2,300	802	1
Tuscaloosa.....	2,117	457	98	2,121	457	100	2,113	457	101
Walker.....	1,474	1,319	4	1,475	1,318	4	1,474	1,285	4
Washington.....	989	280	.....	988	280	.....	989	280	.....
Wilcox.....	4,437	298	5	4,437	298	5	4,434	298	5
Winston.....	398	384	52	405	386	51	401	385	77
Totals.....	141,362	41,513	1,350	141,676	41,371	1,280	141,712	41,531	1,460

SCATTERING VOTE:—

For Auditor, there were cast for C. D. Alexander, in Cleburne county, 33; Perry, 70; Talladega, 14; Tallapoosa, 4—Total, 152. For Richard Wood, in Elmore, 5; Jackson, 1—Total 6. For J. H. Vandergrift, in Lamar, 4. For J. M. Smith, in Shelby, 2. For C. D. Kidd, in Elmore, 1. For Henry Hall, in Jefferson, 1. For State Treasurer, For E. F. Jennings, in Escambia, 5; Jackson, 1; Tallapoosa, 4—Total 10. For G. C. Thigpen, in Lamar, 4. For R. H. Porter, in Baldwin, 1. For H. H. Dixon, in Jefferson, 1. For H. H. Johnson, in Jefferson, 1. For Superintendent of Education, For W. C. Warmock, in Jackson, 15. For E. M. Crawford, in Jefferson, 2. For R. H. Papeter, in Winston, 1.

The Speaker then proclaimed the result as follows:

FOR GOVERNOR.

Thomas G. Jones.....	139,912
Benjamin M. Long.....	42,390
L. C. Coulson.....	1,385
R. F. Kolb.....	72
I. A. Collins.....	10
S. L. Russell.....	10
L. F. Box.....	6
— Files.....	5
Jas. Crook.....	1
T. C. Kidd.....	1
— Powell.....	1
J. F. McDonald.....	2
J. M. Whitehead.....	1
Total.....	<u>183,796</u>

FOR SECRETARY OF STATE.

Jos. Day Barron.....	141,698
Chas. C. Austin.....	41,914
B. Andrews.....	1,316
G. C. Thigpen.....	9
Lee Bentley.....	2
J. B. Stanley.....	1
A. M. Irwin.....	1
A. N. McEwin.....	2
J. T. Baker.....	1
Total.....	<u>184,944</u>

FOR ATTORNEY GENERAL.

William L. Martin.....	141,128
C. D. Alexander.....	40,865
L. M. Davis.....	1,236
E. F. Jennings.....	149
C. G. Alexander.....	128
C. L. Alexander.....	92

S. A. Billingslea.....	3
Dan'l Collier.....	1
I. H. Thomas.....	1
Total.....	<u>183,603</u>

FOR AUDITOR.

Cyrus D. Hogue.....	141,362
E. F. Jennings.....	41,513
G. C. Thigpen.....	1,350
C. D. Alexander.....	152
Richard Wood.....	6
J. H. Vandergrift.....	4
J. M. Smith.....	2
C. D. Kidd.....	1
Henry Hall.....	1
Total.....	<u>184,391</u>

FOR TREASURER.

John L. Cobbs.....	141,676
Richard Wood.....	41,371
J. H. Vandergrift.....	1,280
E F Jennings.....	10
G. C. Thigpen.....	4
R. H. Porter.....	1
H. H. Dixon.....	1
H. H. Johnson.....	1
Total.....	<u>184,344</u>

FOR SUPERINTENDENT OF EDUCATION.

John G. Harris.....	141,712
R. H. Porter.....	41,531
W. M. Wood.....	1,460
W. C. Warmock.....	15
E. M. Crawford.....	2
R. H. Papiter.....	1
Total.....	<u>184,721</u>

The speaker then declared that Thomas G. Jones, Jos. D. Barron, Wm. L. Martin, Cyrus D. Hogue, John L. Cobbs and John G. Harris were duly and constitutionally elected, Governor, Secretary of State, Attorney General, Auditor, Treasurer and Superintendent of Education respectively for the term prescribed by law.

The joint convention was then dissolved and the Senate returned to its chamber.

ADJOURNMENT.

On motion of Mr. Hayes, at 1:50 p. m. the Senate adjourned till 10:30 a. m., on Monday.

SIXTH DAY.

MONDAY, November 17, 1890.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Burkhead, of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, and Williams—29.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Parker and Harris, of Lee indefinitely, on account of sickness, and to Mr. Compton for one day.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows :

By Mr. Hayes—

S. 41½. To create the eleventh Judicial Circuit of the State of Alabama, and to fix the time for holding courts therein, and to provide for the appointment of a judge and a solicitor for said circuit.

Judiciary.

Mr. Hundley—

S. 42. To amend section 3403 of the Code.

Judiciary.

Mr. Haralson—

S. 43. To amend an act entitled an act to incorporate the city of Fort Payne, De Kalb county, Alabama, approved February 28, 1889.

Municipal and county organizations.

Mr. Bradley—

s. 44. To amend section 750 of the Code, so far as the same applies to the counties of Lamar, Fayette, Marion and Franklin;

Judiciary.

Mr. Stallworth—

s. 45. To authorize a subscription by the State to a book entitled Atkinson's Compilation;

Finance.

Mr. Downey—

s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the State;

Finance.

Mr. Cowan—

s. 47. To prevent trespass on State lands;

Internal Improvements.

Mr. Minge—

s. 48. To repeal section 3210, and to amend sections 3211, 3212, 3214, 3215, 3216, 3217 of the Code, relating to the condemnation of lands for public uses;

Internal Improvements.

Mr. Wiley, by request—

s. 49. To establish the State Industrial University for colored students, and to provide for the control and maintenance of the same;

Education.

Also,

s. 50. To provide a system of water works for the city of Montgomery;

Internal Improvements.

MESSAGE FROM THE HOUSE.

Mr. President :

The House has originated and passed the following bill.

H. B. 5. To relieve Minnie S. Parker of Calhoun county, Alabama, a minor, of the disabilities of non-age;

And has ordered the same forthwith to the Senate without engrossment.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES

The House bill in the foregoing message was read a first time and referred to the Judiciary Committee.

REPORTS OF COMMITTEES.

Bills were reported from committees as follows :

By Mr. Handley, from the Finance Committee, favorably,
s. 21. To dispose of the Fine and Forfeiture Fund in Mobile county, and to provide for the payment of all claims which are by law a charge against said fund;

s. 22. To provide for the compensation of State witnesses in Mobile county;

By Mr. Cowan, from Temperance, with an amendment,
s. 27. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors within half a mile of the City Mission church, and the Corinthian Baptist church, in Mobile county;

Which were severally read a second time.

Mr. Stansell, from the committee on rules, submitted the following report, which was concurred in:

The committee on rules having had under consideration the subject of rules for the government of the Senate of the present session, begs leave to submit the following report, to-wit: Said committee recommend the following amendments to the rules of the last Senate of Alabama:

1st, That rule 9 of the printed rules of the last Senate be amended by striking out the words, "and seconded," in the first line.

2nd, That rule 10 be amended by inserting after the words "to adjourn," in the third line the words "to adjourn to a day certain."

3rd, That rule 17 be amended by striking out in the first line the words "and seconded."

4th, That rule 30 be amended so as to read as follows: When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be first put.

5th, That rule 31 be amended by striking out in the third and fourth lines, the words "the principal Executive Clerk, the Sergeant-at-Arms," and inserting in lieu thereof the words, "and the Assistant Secretary."

6th, That rule 40 be so amended that the committee on the military shall consist of three members, and the committee on temperance of seven members.

That the following be adopted as a rule of the Senate, to be known as rule No. 46: That no motion to suspend, modify or amend any rule, or any part thereof, shall be in order, except on one days notice in writing, specifying precisely the rule, or part thereof, proposed to be suspended, modified, or amended, and the purpose thereof. And before any vote shall be taken on such motion it shall be first referred to the committee on rules, and the said committee must report thereon. But any rule may be suspended by unanimous consent of the Senate.

All of which is respectfully submitted,

A. C. HARGROVE,

Chairman.

The Senate rules, as adopted, are as follows:

RULES OF THE SENATE OF ALABAMA, SESSION OF 1890-91.

RULE 1. The President having taken the Chair, and a quorum being present, the journal of the preceding day shall be read to the end, that any mistake may be corrected that shall be made in the entry.

2. No Senator shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are being read.

3. Every Senator, when he speaks, shall address the

Chair, standing in his place, and, when he has finished, shall sit down.

4. No Senator shall speak more than twice on any question under debate, and shall not consume more than half an hour at each time, without leave of the Senate.

5. When two Senators rise at the same time, the President shall name the person to speak; but in all cases the Senator who shall first rise and address the Chair, shall speak first.

6. When a Senator shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President, without debate, subject to an appeal to the Senate, and the President may call for the sense of the Senate on any question of order.

7. If the Senator be called to order by a Senator for words spoken, the exceptional words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

8. No Senator shall absent himself from the service of the Senate, without leave of the Senate, first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senator, unless such excuse for non-attendance shall be made to the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate of the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

9. When a motion shall be made, it shall be reduced to writing, if desired by the President, or any Senator, delivered at the table, and read, before the same shall be debated.

10. When a question is under debate no motion shall be received but—

To adjourn to a day certain.

To lay on the table,

To postpone to a certain day,

To postpone indefinitely.

To commit, or

To amend;

which several motions shall have precedence, in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

11. If the question in debate contain several points, any Senator may have the same divided, but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion, simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

12. In filling up blanks, the largest sum and longest time shall be first put.

13. When the reading of a paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

14. The *unfinished business* in which the Senate was engaged at the last preceding adjournment, shall have the preference in the *special orders* of the day.

15. When the *yeas* and *nays* shall be called for by one-tenth of the Senators present, each Senator called upon shall, unless for special reasons he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the *yeas* and *nays*, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

16. When the *yeas* and *nays* shall be taken upon any question, in pursuance of the above rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

17. On a motion made to shut the doors of the Senate, on the discussion of any business which may, in the opinion of any member, require *secrecy*, the President shall direct the gallery to be cleared, and during the discussion of such motion, the doors shall remain shut.

18. No motion shall be deemed in order to admit any person or persons whatsoever within the doors of the Senate Chamber, to present any petition, memorial or address, or to hear any such read.

19. When a question has been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move for the reconsideration thereof; but

no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or by 12 o'clock next day. Provided, that when a vote, by which a bill is passed, is reconsidered it shall be in order to move for a reconsideration of the vote by which the bill was ordered to be engrossed and read a third time.

20. All questions shall be put by the President of the Senate, and the Senators shall signify their assent or dissent, by answering their aye or no.

21. The President of the Senate shall have the right to name a Senator to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

22. After reading the journal, business shall be called in the following order:

- 1st. Signing bills by President.
- 2d. Call of Districts.
- 3d. House Messages.
- 4th. Reports from Standing Committees.
- 5th. Reports from Select Committees.
- 6th. Bills on second reading.
- 7th. Bills on third reading.
- 8th. Regular Order of the Day at 12 m.
- 9th. Miscellaneous Business.

Except the Committees on Enrolled and Engrossed bills, and on Journal, may report at any time.

This order of business can not be set aside except by a vote of three-fourths of the Senators voting.

When reports of standing committees are in order, the committee shall be entitled to the floor, last occupying it when the reports were in order.

Special orders shall be called at the hour of twelve o'clock, unless specially set for some other hour.

Under *Call of the Districts*, only bills, petitions or memorials shall be introduced. And every bill, petition, memorial, or other paper, shall upon the first reading thereof, be referred by the President to the Standing Committee having the subject matter thereof under consideration unless the Senate by a two-thirds vote order otherwise. And before any petition, or memorial addressed to the Senate, shall

be received and read at the table, whether the same shall be introduced by the President or a Senator, a brief statement of the contents of the petition or the memorial shall verbally be made by the introducer.

23. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days. And no bill shall become a law until it shall have been referred to a committee and returned therefrom, and upon its final passage read at length, and the vote be taken by yeas and nays, and the names of the Senators voting for and against the same be entered on the journal. And the President shall, in the presence of the Senate, sign all bills and joint resolutions passed by the General Assembly after the titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal. And all resolutions proposing amendments to the Constitution, or to which, the approbation or signature of the President may be requisite, or which may grant money out of the contingent fund, shall be treated, in all respects, in the introduction and form of proceedings thereon in the Senate, in a similar manner with bills.

24. Bills on first reading may be amended or committed, and shall be read a second time when returned from the committee on any subsequent day.

25. The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion originating in the Senate, and requiring three readings previous to its being passed, shall be, "whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion, at the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment or motion, to move its commitment, and if such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and then the aforesaid question shall be again put.

26. The special orders of the day shall not be called by the Chair before 12 o'clock, unless otherwise directed by the Senate.

27. The titles of bills, and such parts thereof only as

shall be affected by proposed amendments; shall be inserted on the journals.

28. The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of its proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted on the journal.

29. The President of the Senate shall appoint the chairman and members of the standing committees.

30. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee, shall be first put.

31. When acting on *confidential* or *executive business*, the Senate shall be cleared of all persons except the Secretary, the assistant Secretary and Door-keeper. The *executive* and *confidential legislative proceedings* shall be kept in a separate book from the *public legislative proceedings* of the Senate.

32. When an amendment to be proposed to the Constitution is under consideration, the concurrence of two-thirds of the members of the Senate shall be requisite.

33. When any question may have been decided by the Senate, in which two thirds of the Senators present are necessary to carry the affirmative, any Senator who votes on that side which prevailed in the question, may be at liberty to move for a reconsideration, and a motion for a reconsideration shall be decided by a majority of votes.

34. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

35. Messages may be introduced in any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

36. The reporters shall be placed on the floor of the Senate by the Secretary, or under his direction.

37. The presiding officer of the Senate shall have the regulation and control of such parts of the capitol, and of its passages, as are or may be set apart for the use of the Senate and its officers.

38. Persons admitted on the floor of the Senate Chamber while the Senate is in session:

1. Executive officers of the State and of the United States.

2. Judges of the State and of the United States Courts, members of Congress and members of the General Assembly.

3. Ex-members of Congress and ex-Senators of Alabama.

4. Editors and reporters, at such tables as may be assigned on the floor or in the bar.

All other persons are excluded therefrom, and all persons are to be excluded from the bar, and the chairs and seats of the Senators, and from the closets of the Senate Chamber, and from being near the fire-places.

No smoking shall be allowed in the Senate Chamber.

39. The time of meeting of the Senate each day shall be 10:30 o'clock a. m.; and in all cases, upon the adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment, and the name of the member on whose motion the adjournment was had.

40. To aid in the dispatch of business, there shall be seventeen Standing Committees, upon the following subjects and to consist of the number hereinafter named:

1. On Judiciary, including rules and regulations, to consist of eleven members.

2. On Finance and Taxation including accounts and claims, fees and salaries, and contingent fund; to consist of nine members.

3. On Federal Relations; to consist of seven members.

4. On Revision of Laws; to consist of seven members.

5. On Local Legislation; to consist of five members.

6. On Education; to consist of seven members.

7. On Internal Improvements, including highways and manufactures; to consist of seven members.

8. On Agriculture; to consist of seven members.

9. On Municipal and County Organizations and Corporations, to include poor laws and and charitable institutions; to consist of five members.

10. On Immigration, Industrial Resources and Public Buildings; to consist of seven members.

11. On Privileges and Elections, including grievances, disabilities, and registration; to consist of five members.

12. On Printing; to consist of three members.

13. On Penitentiary, Prisons and Punishment; to consist of eight members.

14. On Military; to consist of three members.
15. On Temperance; to consist of seven members.
16. On Engrossed Bills; to consist of three members.
17. On Enrolled Bills; to consist of three members.
18. On Revision of the Journal; to consist of five members—whose duty it shall be to examine in reference to each bill or resolution finally passed by the General Assembly, and report whether the journal contains the entries in reference to each bill or resolution finally passed by the General Assembly, and report whether the journal contains the entries in reference thereto required by the Constitution.
19. On Rules; to consist of six members.

41. Bills on third reading, postponed to a day certain, shall take precedence on such day, and from day to day thereafter until disposed of, of bills on third reading, and the precedence of such postponed bills shall be in the order of their postponement respectively, and no bill shall be made a special order except by vote of the Senate suspending the order of business.

42. No discussion or debate shall be allowed while a vote is being taken, except by unanimous consent of the Senate.

43. A motion to lay on the table any amendment or substitute shall not carry with it the original bill, resolution or proposition.

44. The Secretary of the Senate is required to furnish daily to the members of the Senate a printed calendar of all the bills and resolutions intended to have the force of laws on third reading, in the order in which they are entitled to consideration.

45. All bills reported adversely by any committee shall be retained by the chairman, until called for by any Senator. The chairman will then report the bill, which will be read a second time, and the adverse report will come up for consideration, when regularly reached on the calendar.

46. That no motion to suspend, modify or amend any rule, or any part thereof, shall be in order except on one day's notice in writing, specifying precisely the rule, or part thereof, proposed to be suspended, modified or amended and the purpose thereof. And before any vote shall be taken on such motion it shall be first referred to the committee on rules and the said committee must report thereon. But any rule may be suspended by unanimous consent of the Senate.

JOINT RULES OF THE TWO HOUSES OF THE GENERAL ASSEMBLY OF
ALABAMA.

1. Upon the reception of a message from either house notifying the other of the originating and passage of bills, the secretary, or clerk, as the case may be, shall, immediately after the message is read, proceed to read the bills by their titles, unless the reading be called for by some member, in which event the bill shall be read at length, and it shall be ordered forthwith to a second reading, or referred to a committee. The House or Senate, as the case may be, shall then proceed with the business upon which it was engaged when the message was received.

2. When House or Senate bills are signed by the Speaker or President of the Senate, thereupon the clerk or secretary, as the case may be, shall notify the other house, and request the signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. That no local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submit the proof thereof with the bill.

4. Bills affecting individuals or private corporations are local or special bills within the meaning of the preceding Rule 3, but said rule does not apply to bills relating to public or educational institutions of, or in this State, or to industrial, mining, immigration, or manufacturing corporations, or interests, or to corporations for constructing canals, or improving navigable rivers and harbors of this State; nor to bills which apply to all persons within the territorial limits to be affected thereby, and general in their application to the class or locality.

5. All bills for amendment to any section or part of the Code, in which the subject matter is stated in the title by reference to the section or other sub-division of the Code, must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such section or sub-division relates.

STANDING COMMITTEES OF THE SENATE.

Judiciary—Messrs. Compton, Stansel, Inzer, Waddell, Godfrey, Skeggs, Stallworth, Hundley, Wiley, Parker and Smith of Autauga.

Finance and Taxation—Messrs. Handley, Grant, Smith of Mobile, Harris of Lee, Williams, Bradley, Harris of Hale, Minge and Bloch.

Federal Relations—Messrs. Hundley, Reynolds, Steagall, Hayes, Nesmith, Davie and Berry.

Revision of Laws—Messrs. Parks, Parker, Smith of Autauga, Lackey, Bloch, Harris of Hale and Downey.

Local Legislation—Messrs. Haralson, Bradley, Davie, Smith of Autauga, and Berry.

Education—Messrs. Skeggs, Grant, Downey, Steagall, Handley, Hundley and Cowan.

Internal Improvements—Messrs. Milner, Stansel, Williams, Cowan, Minge, Bradley and Lackey.

Agriculture—Messrs. Smith of Mobile, Harris of Hale, Harris of Lee, Steagall, Minge, Davie and Reynolds.

Municipal and County Organizations and Corporations—Messrs. Lackey, Inzer, Milner, Stallworth and Smith of Mobile.

Immigration, Industrial Resources and Public Buildings—Messrs. Hayes, Williams, Smith of Mobile, Handley, Bloch, Harris of Lee, Harris of Hale.

Privileges and Elections—Messrs. Stallworth, Waddell, Haralson, Bradley and Lackey.

Printing—Messrs. Grant, Bloch and Berry.

Penitentiary—Messrs. Godfrey, Parker, Grant, Inzer, Minge, Reynolds, Cowan, and Berry.

Military—Messrs. Wiley, Waddell and Haralson.

Temperance—Messrs. Cowan, Harris of Lee, Steagall, Smith of Mobile, and Nesmith.

Engrossed Bills—Messrs. Parks, Smith of Autauga, and Bloch.

Enrolled Bills—Messrs. Godfrey, Downey and Berry.

Revision of the Journal—Messrs. Grant, Lackey, Bloch, Nesmith and Compton.

Rules—Messrs. The President, Stansel, Compton, Inzer, Grant, Hundley and Parks.

STANDING COMMITTEES OF THE HOUSE, 1890-'91.

Judiciary.—Messrs. Clayton, Pettus, Smith of Russell, Foster, Quarles, Longshore, Rather, Hill, Judge, Kelly, Brown, Sullivan and Sayre.

Revision of Laws.—Messrs. Lewis, Longshore, Quarles, Foster, Sayre, Kelly, Sullivan, Judge, Scott, Smaw, Jones, White and Gilchrist.

Ways and Means.—Messrs. Brewer, Watters, Adams, Powell, Scott, Meador, Webb, Brown, Blackwell, Smith of Dallas, Barnett, Gass and Buck.

Education.—Messrs. Davis of Fayette, Henry, Kemp, Simmons, Buck, Hufham, Jackson, Steele, Langley, Whatley, Avery, Clanton and Bishop.

Agriculture.—Messrs. Harris, Lee of Conecuh, Nolen, Harrell, White, Bishop, Langley, Cox, Poole, Davis of Lamar, Jones, Ramsay, Tucker of Lauderdale.

Commerce and Common Carriers.—Messrs. Smaw, Watters, Kelly, Smith of Dallas, Bishop, Powell, Lane, Coleman, Finch, Davidson and Northington.

Privileges and Elections.—Messrs. Foster, Hill, Sullivan, Judge, Burford, Long, Amason of Sumter, Alexander, Ayres, Forman and Sparkman.

Penitentiary and Criminal Administration.—Messrs. Brown, Avery, Gordon, Webb, Jones, Lane, Purifoy, Smith of Dallas, Rosseau, Amason of Sumter, and Poole.

Mining and Manufacturing.—Messrs. Pettus, Judge, Lane, Long, Forman, Sparkman, Northington, Jones, Bevis, Powell and Nolen.

Appropriations.—Messrs. Scott, Brown, Adams, Meador, Kemp, White, Buck, Edwards, Parker, Gass and Purifoy.

Corporations.—Messrs. Longshore, Rather, Smaw, Alexander, Bass, Almon, Henry, Howle, Bevis, Harrell and Whatley.

Temperance.—Messrs. Lee of Conecuh, Kemp, Appleton, Cornelius, Edwards, Howle, Loveless, Rosseau, Parks, Amason of Tallapoosa, and Leigh.

Public Health.—Messrs. Townsend of Pike, Lee of Conecuh, Gordon, Armistead, Steele, Whatley, Wood, Wilson, Peacock, Moore of Baldwin, and Thrasher.

Counties and County Boundaries.—Messrs. Smith of Russell, Bass, Davidson, Long, Henry, Gass, Bain, Poole, Parks, Johnson and Cornelius.

Local Legislation.—Messrs. Jane, Meador, Avery, Lee of Barbour, Alexander, Ayres, Burford, Parker, Tucker of Crenshaw, Jackson and Finch.

Public Roads and Highways.—Messrs. Clanton, Harris, Gilchrist, Guthrie, Blackwell, Leslie, Ramsay, Wood, Bass, Coleman and Amason of Tallapoosa.

Federal Relations.—Messrs. Hill, Kelly, Wade, Parker, Northington, Moore of Madison, Amason of Sumter, Bain, Leslie, Tucker of Lauderdale and Guthrie.

Public Buildings and Institutions.—Messrs. Screws, Edwards, Cox, Steele, Coleman, Moore of Baldwin, Armistead, Johnson, Peacock, Almon and Thrasher.

Immigration.—Messrs. Webb, Smaw, Blackwell, Barnett, Young, Cooper, Lee of Barbour, Moore of Madison, Wood, Crews and Hufham.

Military.—Messrs. Quarles, Screws, Moore of Madison, Bain, Davidson, Wilson, Forman, Townsend of Limestone, Davis of Winston.

Accounts and Claims.—Messrs. Kemp, Davis of Lamar, Simmons, Crews, Cooper, Young, Townsend of Limestone, Loveless and Moore of Baldwin.

Fees and Salaries.—Messrs. Adams, Barnett, Crews, Davis of Lamar, Peacock, Parks, Appleton, Almon and Davis of Winston.

Public Printing.—Messrs. Sayre, Bevis, Burford, Cooper, Cornelius, Cox, Leslie, Wade and Leigh.

Engrossed Bills.—Messrs. Sullivan, Davis of Fayette, Screws, Wilson, Hufham, Tucker of Crenshaw, and Thrasher.

Enrolled Bills.—Messrs. Rather, Gilchrist, Simmons, Purifoy, Sparkman, Townsend of Pike, and Tucker of Lauderdale.

Rules.—Messrs. Speaker, Brown, Clayton, Pettus and Steele.

NAMES OF SENATORS, THEIR POST-OFFICES, AND CITY ADDRESSES
IN MONTGOMERY.

OFFICERS OF SENATE.

- A. C. Hargrove, President, Tuscaloosa, Ala., Exchange Hotel.
 Wm. L. Clay, Secretary, Huntsville, Ala., No. 2 Clayton st.
 Thos. H. Clarke, Assistant Secretary, Montgomery, Ala.,
 703 South Lawrence street.
 Miss Jem Weakly, Florence, Ala.
 Frank M. Reese, Auburn, Ala., 436 Lawrence street.
 James Armstrong, Door-keeper, Scottsboro, Ala., 339 cor.
 Lee and Bibb streets.
 L. P. Bamberg, Ironville, Ala., Assistant Door-keeper.
 Walker Owen, Page, Montgomery, Ala., 624 Clayton street.
 Oscar Hayes, Page, Jasper, Ala., No. 20 Amanda street.

MEMBERS.

- R. L. Bradley, Vernon, Ala., 22 Clay street.
 E. H. Berry, Dadeville, Ala., Mrs. Haynie, Madison avenue.
 S. D. Bloch, Camden, Ala., Exchange.
 J. R. Cowan, Cunningham, Ala., 319 Dexter avenue.
 J. C. Compton, Selma, Ala., Exchange Hotel.
 Judson Davie, Cowikee, Ala., Exchange.
 W. T. Downey, Scotts Station, Ala., Madison House.
 L. W. Grant, Jacksonville, Ala., Fleming's.
 L. D. Godfrey, Gainesville, Ala., 221 North Lawrence street.
 W. A. Handley, Roanoke, Ala., Exchange Hotel.
 William W. Haralson, Fort Payne, Ala., Mrs. Murphy's,
 Bibb street.
 Norfleet Harris of Hale, Laneville, Ala., Madison House.
 John T. Harris of Lee, Opelika, Ala., 513 Madison avenue.
 William N. Hayes, Mooresville, Ala., Planters' House.
 Oscar R. Hundley, Huntsville, Ala., Mrs. John H. Murphy.
 John W. Inzer, Ashland, Ala., Mrs. Campbell, Washington
 street.
 W. M. Lackey, Ashland, Ala., 109½ Dexter avenue.
 John T. Milner, New Castle, Ala., Exchange Hotel.
 J. H. Minge, Faunsdale, Ala., Exchange Hotel.

W. W. Nesmith, Concord, Ala., 339 corner Lee and Bibb streets.

John H. Parker, Rockford, Ala.

I. H. Parks, Rutledge, Ala., Merchants Hotel.

J. H. Reynolds, Mount Hilliard, Ala., Mrs. Campbell's, No. 16 Washington street.

Wm. E. Skeggs, Decatur, Ala., Exchange Hotel.

Mac A. Smith of Autauga, Prattville, Ala., 339 corner Lee and Bibb streets.

Daniel Smith of Mobile, Mobile, Ala., 119 Dexter avenue.

Nicholas Stallworth, Evergreen, Ala., Merchants Hotel.

M. L. Stansel, Carrollton, Ala., Exchange Hotel.

William C. Steagall, Ozark, Ala., 511 corner Hull and High streets.

J. F. Waddell, Seale, Ala.

A. A. Wiley, Montgomery, Ala., 729 Madison avenue.

Dan. Williams, Daphne, Ala., Merchants Hotel.

OFFICERS OF THE HOUSE, 1890-'91.

Speaker—N. N. Clements, Tuskalooza.

Clerk—Benj. F. Elmore, Demopolis.

Assistant Clerk—A. H. Carmichael, Tuscumbia.

Enrolling Clerk—Chas. W. King, Greenville.

Engrossing Clerk—Massey Wilson, Grove Hill.

Doorkeeper—Robt. Hasson, Gadsden.

Assistant Doorkeeper—Thos. J. Fain, Ozark.

Messenger—Crowell Broadnax, Evergreen.

Page—Michel Screws, Montgomery.

“ Hugh Conley, Talladega.

“ Arthur Wade, Aurora.

MEMBERS OF THE HOUSE, AND POST-OFFICE ADDRESS.

Autauga—Philip A. Wood, Statesville.

Baldwin—R. H. Moore, Tensaw.

Barbour—H. D. Clayton, Eufaula; A. A. Crews, Clayton;
C. C. Lee, Louisville.

Bibb—S. M. Adams, Randolph.

Blount—T. H. Davidson, Selfville.

Bullock—N. B. Powell, Union Springs; W. C. Hufham,
Fitzpatrick.

Butler—Louis Harrell, Greenville.

- Calhoun—W. P. Cooper, Alexandria.
 Chambers—J. H. Harris, Oakbowery; J. F. Whatley, Five
 Points.
 Cherokee—M. A. Cornelius, Maple Grove.
 Chilton—G. A. Northington, Verbena.
 Choctaw—J. A. Watters, Mt. Sterling.
 Clarke—J. W. Armistead, Morvin.
 Clay—T. H. Howle, Delta.
 Cleburne—W. U. Almon, Heflin.
 Coffee—J. B. Peacock, Damascus.
 Colbert—C. C. Rather, Tuscumbia.
 Conecuh—Robert A. Lee, Evergreen.
 Coosa—R. S. Nolen, Nixburgh.
 Covington—J. P. Rosseau, Rose Hill.
 Crenshaw—M. Tucker, Luverne.
 Cullman—W. H. Guthrie, Logan.
 Dale—C. A. B. Edwards, Crittenden's Mills.
 Dallas—Lewis Johnson, Orrville, J. Craig Smith, Selma,
 W. W. Quarles, Selma, Francis L. Pettus, Selma.
 DeKalb—John B. Appleton, Collinsville.
 Elmore—George H. Parker, Eclectic.
 Escambia—E. P. Loveless, Brewton.
 Etowah—G. B. Wade, Aurora.
 Fayette—John M. Davis, Fayette.
 Franklin—B. E. Finch, Pleasant Site.
 Geneva—J. C. Coleman, Eunola.
 Greene—Wm. Smaw, Eutaw, H. M. Judge, Eutaw.
 Hale—A. M. Avery, Havana, Thomas K. Jones, Greens-
 boro.
 Henry—George Leslie, Gordon.
 Jackson—Thos. B. Parks, Scottsboro; W. H. Clanton,
 Stevenson.
 Jefferson—M. V. Henry, Birmingham; H. H. Brown, Bir-
 mingham.
 Lamar—M. L. Davis, Detroit.
 Lauderdale—O. P. Tucker, Waterloo; T. O. Bevis, Grav-
 elly Springs.
 Lawrence—John Leigh, Ora; G. W. Thrasher, Courtland.
 Lee—V. M. Bass, Beulah; E. C. Jackson, Auburn.
 Limestone—James B. Townsend, Elkmont; Hector D. Lane,
 Greenbriar.
 Lowndes—J. D. Poole, Manningham; W. Brewer, Hayne-
 ville.

- Macon—J. R. Simmons, Shorter's.
- Madison—M. A. Bishop, Madison; R. T. Blackwell, Maysville; Samuel H. Moore, Huntsville.
- Marengo—D. J. Meador, Myrtlewood; J. A. Steele, McKinley.
- Marion—J. T. Young, Bull Mountain.
- Marshall—W. U. Bain, Meltonsville.
- Mobile—Winfield S. Lewis, M. B. Kelly, Mobile; E. H. Buck, Chuuchula; George J. Sullivan, Mobile.
- Monroe—W. B. Kemp, Kempville.
- Montgomery—B. H. Screws, Montgomery; J. N. Gilchrist, Montgomery; A. D. Sayre, Montgomery; Walton Hill, Montgomery.
- Morgan—S. A. Sparkman, Decatur.
- Perry—George P. White, Marion; W. B. Alexander, Felix.
- Pickens—J. A. Gass, Benevola; J. W. Cox, Providence.
- Pike—W. H. Barnett, Indian Branch; A. C. Townsend, China Grove.
- Randolph—W. L. Ayres, Milner.
- Russell—John V. Smith, Seale; S. S. Scott, Uchee.
- Shelby—A. P. Longshore, Columbiana.
- St. Clair—W. S. Forman, Springville.
- Sumter—J. R. Ramsay, Suinterville; S. C. M. Amison, Livingston.
- Talladega—W. T. Webb, Alpine; John T. Wilson, Jenifer.
- Tallapoosa—E. B. Langley, Camp Hill; J. M. Amason, Alexander City.
- Tuscaloosa—J. M. Foster, Tuscaloosa; N. N. Clements, Tuscaloosa.
- Walker—T. L. Long, Jasper.
- Washington—John Gordon, Healing Springs.
- Wilcox—John Purifoy, Snow Hill; William P. Burford, Camden.
- Winston—W. W. Davis, Biler.

RESOLUTION.

Mr. Hayes offered the following resolution, which was adopted:

Resolved, That the Secretary be instructed to have printed for the use of the Senate three hundred copies of the rules of the Senate and joint rules of both Houses and

standing committees of both Houses and the members and officers of both Houses, with the post office addresses of the members and officers of the Senate.

APPOINTMENT OF ADDITIONAL MEMBERS OF THE TEMPERANCE COMMITTEE.

The President appointed on the Committee on Temperance Messrs. Davie and Downey.

ADJOURNMENT.

At 11:50 a. m., on motion of Mr. Smith, the Senate adjourned.

SEVENTH DAY.

TUESDAY, NOV. 18th, 1890.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Burkhead, of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—31.

The journal of yesterday was read and approved.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Hargrove—

s. 51. To provide for the purchase of lands, and to provide additional accommodations for the patients of the Alabama Insane Hospital.

Municipal and County Organizations.

Also,

s. 52. To regulate the admission of patients in the Alabama Insane Hospital.

Municipal and County Organizations.

Also,

s. 53. In relation to the admission of insane criminals into the Alabama Insane Hospital.

Municipal and County Organizations.

Also,

s. 54. To divide the State of Alabama into five Chancery Divisions.

Judiciary.

Mr. Reynolds—

s. 55. To repeal section 4193 of the Code, so far as the same relates to the county of Bullock and county court, and provide for the transfer of the unfinished business in said court to the circuit court of said county.

Local Legislation.

Mr. Wiley—

s. 56. To provide for the payment of a clerk for the State Board of Health.

Finance.

Also,

s. 57. To create a board for the equalization of tax assessments on property within the city of Montgomery.

Judiciary.

Also,

s. 58. To amend the charter of the city of Montgomery, and the various acts amendatory thereof.

Judiciary.

Also,

s. 59. To authorize the city council of Montgomery to issue bonds for school purposes, and for funding its market house Bonds, and for paving the streets of the city of Montgomery.

Judiciary.

Mr. Compton—

s. 60. To amend and extend the charter of the Commercial Bank of Selma, approved December 10th, 1864.

Municipal and County Organizations.

Mr. Stansel—

s. 61. To enlarge and amend the rules of evidence.

Judiciary.

Mr. Lackey—

s. 62. To incorporate the Lineville College, at Lineville, Clay county, Alabama.

Municipal and County Organizations.

JOINT RESOLUTION.

Mr. Smith, of Mobile.

s. J. R. 5. Joint resolution relating to the convict system, Penitentiary.

REPORTS OF COMMITTEES.

Bills were reported from committees, and read second time, as follows:

By Mr. Parks, from Revision of Laws, favorably with an amendment,

s. 1. To prohibit selling or giving cigarettes to minors.

Also, favorably,

s. 4. To amend section 1667 of the code.

s. 17. To amend section 1476 of the code.

s. 6. To amend sub-division 31 of section 629 of the code, in regard to peddling in this State.

s. 20. To change the time of electing commissioners of Lee county.

s. 23. To provide for the election of the General Administrator of Mobile county, and for filling vacancies therein.

By Mr. Haralson from Local Legislation, favorably.

s. 9. To amend an act to allow Constable of Troy beat, Pike county, and the Constable of beat No. 21, in Jefferson county, Alabama, to appoint deputies, approved February 12, 1885.

s. 31. To require the judge of the Probate Court of Jefferson county, in this State, to have made general indexes to the deed and mortgage records in his office prior to February 17th, 1887, and to allow compensation therefor out of the County Treasury of said county.

By Mr. Milner, from Municipal and County Organizations, favorably, with amendments.

s. 32. To amend an act entitled an act to incorporate the town of Courtland in the county of Lawrence, approved December 16th, 1873.

s. 29. To authorize the increase of the capital stock and bonded indebtedness of private corporations organized under special charters.

REPORT OF JOINT COMMITTEE ON RULES.

Mr. Hundley, from the joint Committee on Rules, submitted

JOINT RULES OF THE TWO HOUSES OF THE GENERAL ASSEMBLY OF ALABAMA.

1. Upon the reception of a message from either house notifying the other of the originating and passing of bills, the secretary or clerk, as the case may be, shall, immediately after the message is read, proceed to read the bills by their titles unless the reading be called for by some member, in which event the bill shall be read at length, and it shall be ordered forthwith to a second reading, or referred to a committee. The House or Senate, as the case may be, shall then proceed with the business upon which it was engaged when the message was received.

2. When the House or Senate bills are signed by the Speaker or President of the Senate, thereupon the clerk or secretary, as the case may be, shall notify the other house, and request the signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. That no local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits the proof thereof with the bill.

4. Bills affecting individuals or private corporations are local or special bills within the meaning of the preceding Rule 3, but said rule does not apply to bills relating to public or educational institutions of, or in this State, or to industrial, mining, immigration, or manufacturing corporations, or interests, or to corporations for constructing canals, or improving navigable rivers and harbors of this State; nor to bills which apply to all persons within the territorial limits to be affected thereby, and general in their application to the class or locality.

5. All bills for amendment to any section or part of the Code, in which the subject-matter is stated in the title by reference to the section or other sub-division of the Code, must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such section or sub-division relates.

The report was concurred in.

BILLS ON THIRD READING.

The bill,

s. 21. To dispose of the fine and forfeiture fund in Mobile county, and to provide for the payment of all claims, which are by law a charge against said fund;

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Williams—29.

The bill,

s. 22. To provide for the compensation of State witnesses in Mobile county;

Was read a third time and passed—yeas 29, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith, of Autauga, Smith, of Mobile, Stansel, Steagall, Waddell, Williams—29.

The bill,

s. 27. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous, or malt liquors within half a mile of the City Mission Church, and the Corinthian Baptist Church, in Mobile county.

Was taken up, and the pending amendment adopted, as follows:

The bill was read a third time and passed—yeas 29, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—29.

RESOLUTIONS.

Resolutions were offered and adopted, as follows:

By Mr. Compton—

Resolved, That the secretary is hereby instructed and empowered to employ additional clerical assistance, when necessary for the dispatch of the business of the senate.

By Mr. Milner—

Resolved, That the committee on education be instructed to inquire into the matter of erecting one industrial and technological school for white girls for the state of Alabama, and report by bill, or otherwise, at the earliest practicable moment.

By Mr. Berry—

Joint resolution, constituting the committees on industrial improvements of the senate and public roads of the house a special committee to formulate a plan for securing better public roads.

ADJOURNMENT.

At 11:20 a. m., on motion of Mr. Milner, the senate adjourned.

EIGHTH DAY.

WEDNESDAY, November 19th, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Birkhead of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Dayie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—29.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Waddell for one day on account of sickness.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Inzer—

s. 63. To incorporate the Tennessee river, Ashville & Coosa Railway Company, and to further the construction thereof.

Internal improvements ;

Also,

s. 64. To authorize judges of the circuit courts of this state in term time, to apportion costs in actions brought to recover land, or the possession thereof, where only a portion of the land sued for is recovered.

Judiciary.

By Mr. Grant—

s. 65. To provide for the assessment of state and county taxes on property within the corporate limits of the city of Anniston ;

Finance.

Also,

s. 66. To constitute the city of Anniston a separate school district, and to provide a board of education therefor.

Education.

By Mr. Stansel—

s. 67. To receive and appropriate the moneys granted to the state of Alabama by the act of congress, approved August 30th, 1890, entitled an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, etc., and for other purposes ;

Education.

Also,

s. 68. To appropriate funds to the Agricultural and Mechanical College at Auburn for building and other purposes ;

Education.

Mr. Smith, of Autauga—

s. 69. To confirm the incorporation and organization of the Prattville Cotton Mills, and to define, declare and enlarge the powers of said company, and to change the name of the same ;

Revision of laws.

Also,

s. 70. To amend section 354 of the code, so as to require the names of the several inspectors and returning officers of each election precinct to be published ;

Privileges and elections.

Mr. Bloch—

s. 71. To amend section 4541 (4492) of the code ;
Revision of laws.

Mr. Compton—

s. 72. To incorporate the city school board of Selma ;
Education.

Mr. Haralson—

s. 73. To create the twelfth judicial circuit of the state of Alabama, and to fix the time for holding court therein, and to provide for the appointment of a judge and solicitor of said circuit, and to provide for their compensation ;

Judiciary.

Mr. Williams—

s. 74. To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, intoxicating biters or cordials, north of the Louisville and Nashville railroad in Baldwin county, Alabama ;

Temperance.

REPORTS FROM COMMITTEES.

Bills were reported from committees and read a second time, as follows :

By Mr. Compton, from the judiciary committee, a substitute for the bill,

s. 2. To establish "Labor Day," and to make the same a legal holiday ;

Also, favorably with an amendment,

s. 42. To amend section 3403 of the code ;

Also, favorably,

s. 40. To authorize and allow execution to be issued on any judgment which has been or may hereafter be properly registered in the office of the judge of probate ;

Also, with an amendment,

s. 44. To amend section 750 of the code of Alabama so far as the same applies to the counties of Lamar, Fayette, Marion and Franklin ;

Also, favorably,

s. 41. To amend section 2755 of the code ;

S. J. R. 2. Proposing amendment to section 2, of article XI of the constitution of the state of Alabama.

Also,

s. 5. To require corporations making deeds or conveyances

to real estate to recite in such deeds or conveyances a copy of the written authority of the corporation under which the same are made, and when so done such deeds or conveyances shall be, in the hands of the purchaser or any one holding under him, *prima facie* evidence of authority on the part of the corporation for making the same :

s. 25. To require railroad companies to provide suitable water closets on passenger cars or coaches;

s. J. R. 3. Proposing amendment to section 5 of article XI of the constitution of the State of Alabama;

H. 5. To relieve Minnie S. Parker, of Calhoun county, Alabama, a minor, of the disabilities of non-age.

By Mr. Handley, from finance, favorably,

s. 45. To authorize a subscription by the State to a book entitled Atkinson's Compilation;

s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the State.

By Mr. Parks, from revision of laws, favorably,

s. 36. To make the office of the commissioner of agriculture elective.

By Mr. Milner, from internal improvements, favorably,

s. 47. To prevent trespass on State lands;

s. 50. To provide a system of water works for the city of Montgomery.

By Mr. Lackey, from municipal and county organizations, favorably,

s. 33. To incorporate the Alabama Methodist Orphanage; Also, with an amendment,

s. 30. To amend the charter of the Birmingham Water Works Company.

s. J. R. 2-3. On motion of Mr. Handley, one hundred copies of senate joint resolutions 2 and 3 were ordered to be printed for the use of the senate.

s. J. R. 4. Mr. Lackey, from the committee on municipal and county organizations, returned senate joint resolution 4, which was recommitted to the judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills :

H. 29. To amend section two (2) and five (5) of an act

entitled an act to establish a new charter for the city of Gadsden, approved January 27, 1883.

ii. 35. To amend section 1434 of the code.

ii. 70. To authorize the mayor and council of the city of Uniontown to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, bearing six per cent. interest, payable semi-annually, for the purpose of erecting or providing said city with water works, and for funding the indebtedness of said city;

And has adopted a joint resolution relative to raising a committee to readjust the schedules for holding the several circuit and chancery courts so that they shall not conflict.

Committee on part of the house:

Messrs. Pettus, Clayton, Sayre, Lewis, Harris, Longshore, Foster, Rather, and Smith of Russell.

And has adopted a joint resolution, relative to authorizing the committees on internal improvements of the senate, and the committee on mining and manufacturing of the house, to take into consideration the propriety of passing a mining law for the State of Alabama, and to report by bill, or otherwise.

And has concurred in the senate joint resolution relative to a joint committee on public roads.

And has concurred in the report of the joint committee on rules.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills set out in the foregoing message were severally read a first time and referred to appropriate committees, as follows:

ii. B. 29 and 70, to municipal and county organizations;

ii. B. 35, to internal improvements.

The house joint resolutions set out above were concurred in.

The president appointed under the first, as the committee on the part of the senate, Messrs. Inzer, Godfrey, Skeggs, Lackey and Parks.

BILLS ON THIRD READING.

The bill,

s. 1. To prohibit selling or giving cigarettes to minors;

Was taken up and the pending amendments adopted, and, on motion of Mr. Hundley, recommitted to the committee on revision of laws.

The bill,

s. 4. To amend section 1667 of the code;

Was, on motion of Mr. Skeggs, made a special order for tomorrow at 11 o'clock, and fifty copies ordered printed.

The bill,

s. 17. To amend section 1476 of the code;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—26.

The bill,

s. 6. To amend subdivision 31 of section 629 of the code, in regard to peddling in this state;

Was taken up.

Mr. Godfrey offered certain amendments.

Mr. Davie offered certain amendments to the amendment offered by Mr. Godfrey.

By leave, Mr. Inzer offered an amendment.

Mr. Hayes moved to recommit the bill to revision of laws with the pending amendments. Carried.

The bill,

s. 20. To change the time of electing commissioners of Lee county;

Was read a third time and passed—yeas 24, nays 0.*

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—24.

The bill,

s. 23. To provide for the election of the general administrator of Mobile county, and for filling vacancies therein;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—24.

The bill,

s. 9. To amend an act to allow constable of Troy beat, Pike

county, and the constable of beat No. 24 in Jefferson county, Alabama, to appoint deputies, approved February 12, 1885;

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—27.

The bill,

s. 31. To require the judge of the probate court of Jefferson county in this state, to have made general indexes to the deed and mortgage records in his office prior to February 17th, 1887, and to allow compensation therefor out of the county treasury of said county;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith, of Mobile, Steagall, Wiley, Williams—26.

The bill,

s. 32. To amend an act entitled an act to incorporate the town of Courtland in the county of Lawrence, approved December 16th, 1873;

Was taken up, and the pending amendment adopted, as follows:

Amend by adding at the end of first section: "Provided, that the police of said town shall have the right to make arrests within the corporate limits of said town."

The bill was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—27.

The bill,

s. 29. To authorize the increase of the capital stock and bonded indebtedness of private corporations organized under special charters;

Was, on motion of Mr. Milner, made a special order for tomorrow at 11 o'clock, and fifty copies ordered printed for the use of the senate.

RESOLUTIONS.

Mr. Godfrey offered a resolution, which was adopted, as follows:

Resolved, That the doorkeeper be instructed to procure such articles of fittings and furniture as may be necessary to put the rooms adjoining the senate chamber in good and comfortable condition.

ADJOURNMENT.

At 12:20 p. m., on motion of Mr. Haralson, the Senate adjourned.

 NINTH DAY.

THURSDAY, November 20, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Burkhead of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davis, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stangel, Steagall, Waddell, Wiley, Williams—32.

The journal of yesterday was read and approved.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Inzer—

s. 75. To prohibit, in this State, the keeping of any "bucket shop," or place, where the pretended buying and selling of stocks, or produce, or provisions, cotton, cotton ties, cotton bagging made in whole or in part of jute and other articles, without any intention of receiving or delivering the property sold, is carried on;

Judiciary.

By Mr. Handley—

s. 76. To establish a new charter for the town of Roanoke; Municipal and county organizations.

Also,

s. 77. Proposing an amendment to section 5, article 13, of the constitution of Alabama;

Judiciary.

By Mr. Bloch—

s. 78. To provide for bells at public ferries in Wilcox county;

Agriculture.

Also,

s. 79. To provide for safe and convenient passage of gates across the public highways in Wilcox county;

Agriculture.

By Mr. Stansel—

s. 80. To allow felonies and misdemeanors of the same class to be joined in the same indictment;

Judiciary.

By Mr. Harris of Hale—

s. 81. To fix the legal rate of interest in this state;

Judiciary.

By Mr. Smith of Mobile—

s. 82. To prevent animals from running at large on shell roads in Mobile county and to provide a penalty therefor;

Local legislation.

Also,

s. 83. To provide for the humane killing of animals so maimed, or crippled, by railroad locomotives or cars; as to be unable to procure food, or drink, for themselves;

Agriculture.

Also,

s. 84. To prevent the abandonment of maimed, diseased disabled, or infirm animals, by their owners, or custodians;

Agriculture.

Also,

s. 85. To provide for destroying abandoned, diseased, or injured, animals;

Agriculture.

Also,

s. 86. To regulate the dispositions of fines arising from prosecutions under the laws of this state for cruelty to children and animals;

Finance.

By Mr. Stansel—

s. 87. To allow husband, or wife, to testify for, or against, each other in certain cases;

Judiciary.

Also,

s. 88. To prevent the sale of liquor within three miles of Hebron baptist church, in Pickens county;

Temperance.

REPORTS OF COMMITTEES.

Bills were reported from committees and read a second time, as follows :

By Mr. Parks, from revision of laws, favorably with an amendment,

s. 24. To protect chickens and other poultry on the premises in the night time.

By Mr. Haralson, from local legislation, favorably,

s. 38. To require all butchers and dealers in live stock in Mobile county, to keep a register of all stock purchased or received by them.

By Mr. Lackey, from municipal and county organizations, favorably with amendment,

s. 14. To amend and confirm the charter of the Foster Hardware Manufacturing Company a corporation organized under the general incorporation laws of the state; to change the name of said company and to reduce the amount of its capital stock.

Also, favorably,

s. 43. To amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved February 28, 1889.

s. 18. To amend and confirm the charter of the Fort Payne Coal and Iron Company a corporation organized under the general incorporation laws of the state.

s. 51. To provide for the purchase of lands, and to provide additional accommodations for the patients of the Alabama Insane Hospital.

s. 52. To regulate the admission of patients in the Alabama Insane Hospital.

s. 53. In relation to the admission of insane criminals into the Alabama Insane Hospital.

s. 60. To amend and extend the charter of the Commercial Bank of Selma, approved December the 10th, 1864.

s. 62. To incorporate the Lineville college at Lineville, Clay county, Alabama.

MESSAGE FROM THE HOUSE.

Mr. President;

The house has originated and passed the following bills :

H. 30. To authorize the court of county commissioners of Etowah county to issue bonds of said county to an amount not exceeding seventy-five thousand dollars, for the purpose of securing the means to construct the court house and furnish the same with suitable furniture, and for the purpose of paying for building an addition to the jail of said county.

H. 55. To provide for the election of the general administrator of Mobile county, and for filling vacancies therein.

H. 108. To fill the vacancy caused by the death of John Swann, one of the trustees under the act approved February 23rd, 1876.

H. 45. To incorporate the Birmingham and Little River Coal Company.

H. 15. To make appropriations for the payment of sheriffs, for feeding prisoners in jail for the year ending Sept. 30, 1889, and for the removal of prisoners during the year ending Sept. 30th, 1890, the appropriations for the purposes named for said years having been exhausted.

The last two bills were ordered to the senate without engrossment.

The house has adopted the joint resolutions, herewith sent, relative to arrangements for inauguration of governor-elect, Thos. G. Jones.

Committee on part of the house,
Messrs. Sayre, Watters and Jones.

Also,

Raising joint committees on the recess of the general assembly.

Committee on part of the house,
Messrs. Watters, Harris and Webb.

BEN F. ELMORE, Clerk.

HOUSE MESSAGES.

The house bills in the foregoing messages were severally read a first time and referred to appropriate committees, as follows :

- H. 108, to judiciary ;
- H. 55, to revision of laws ;
- H. 30, to local legislation ;
- H. 45, to municipal and county organizations ;
- H. 15, to finance.

The house joint resolutions in the foregoing message were concurred in.

And the president appointed as the committee on the part of the senate, under the first resolution, Messrs. Bloch and Compton ;

And, under the second joint resolution, Messrs. Stansel and Harris of Hale.

APPOINTMENT OF JOINT COMMITTEE UNDER SECTION 34 OF THE CODE.

The president appointed as a special committee of the senate under section 34 of the code, Messrs. Handley, Grant and Downey.

SPECIAL ORDERS.

At 11 o'clock the senate proceeded to consider the bills:

s. 4. To amend section 1667 of the code ;

s. 29. To authorize the increase of the capital stock and bonded indebtedness of private corporations organized under special charter ;

Which, on motion of Mr. Parks, with a substitute offered by Mr. Skeggs, were recommitted to a special committee, consisting of Messrs. Milner, Haralson and Skeggs.

BILLS ON THIRD READING.

The bill,

s. 40. To authorize and allow execution to be issued on any judgment which has been or may hereafter be properly registered in the office of the judge of probate ;

Was read a third time and passed—yeas 30, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Har-

ris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—30.

The bill,

s. 44. To amend section 750 of the code so far as the same applies to the counties of Lamar, Fayette, Marion and Franklin ;

Was taken up, and the pending amendment adopted, as follows: Add to section 1 the words, "said first Monday." Strike out second section.

The bill was read a third time and passed—yeas 31, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—31.

The bill,

s. 41. To amend section 2755 of the code ;

Was read a third time and passed—yeas 27, nays 3.

Yeas—Mr. President, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—27.

Nays—Messrs. Bradley, Parks and Waddell—3.

The bill,

s. 2. To establish "Labor Day," and to make the same a legal holiday ;

Was taken up, and the pending substitute adopted.

The bill was read a third time and lost—yeas 13, nays 18.

Yeas—Messrs. Bloch, Compton, Grant, Handley, Haralson, Hundley, Inzer, Lackey, Nesmith, Parks, Skeggs, Smith of Autauga, Wiley—13.

Nays—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Harris of Hale, Harris of Lee, Hayes, Milner, Minge, Reynolds, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—18.

The bill,

s. 42. To amend section 3403 of the code ;

Was taken up, and the pending amendment adopted, as follows :

Insert after the word, "notice," the words, "by leaving a copy at his residence, or late residence, and."

The bill was read a third time and passed—yeas 32, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—32.

The bill,

s. 5. To require corporations making deeds or conveyances to real estate to recite in such deeds or conveyances, a copy of the written authority of the corporation under which the same are made, and when so done such deeds or conveyances shall be, in the hands of the purchaser or any one holding under him, *prima facie* evidence of authority on the part of the corporation for making the same ;

Was taken up, and recommitted to the judiciary committee, on motion of Mr. Inzer.

The bill,

s. 25. To require railroad companies to provide suitable water closets on passenger cars or coaches;

Was read a third time and passed—yeas 30, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Wiley, Williams—30.

The bill,

ii. 5. To relieve Minnie S. Parker, of Calhoun county, Alabama, a minor, of the disabilities of non-age ;

Was read a third time and passed—yeas 29, nays 1.

Yeas—Messrs. Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—29.

Mr. President voted no.

The bill,

s. 45. To authorize a subscription by the State to a book entitled Atkinson's Compilation ;

Was taken up.

Mr. Stansel offered an amendment, which was adopted, as follows :

Amend by adding "the library of the University of Alabama, the law library of the University of Alabama, the library of the Agricultural and Mechanical College at Auburn, the library of the State Normal School at Florence."

Mr. Skeggs offered an amendment, which was adopted, as follows:

Strike out the words, "circuit judges, chancellors, circuit and county solicitors."

Mr. Godfrey offered an amendment which was adopted, as follows:

Amend by striking out the words "and fifty," in the 4th line of the bill.

Mr. Wiley moved to amend by inserting after "Florence," "and one each to all the other white normal schools in the state."

On motion of Mr. Skeggs the word "white" was stricken out.

The amendment, as amended, was adopted.

The bill was read a third time and passed—yeas 23, nays 4.

Yeas—Messrs. Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Lackey, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Wiley, Williams—23.

Nays—Messrs. Bradley, Berry, Hundley and Inzer—4.

ADJOURNMENT.

At 2 p. m., on motion of Mr. Stansel, the senate adjourned.

TENTH DAY.

FRIDAY, November 21, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Burkhead of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner,

Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—31.

The journal of yesterday was read and approved.

CALL OF DISTRICTS.

The following bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Hundley—

s. 89. To amend an act entitled an act to amend section 1759 of the code, approved February 26th, 1889;

Judiciary.

By Mr. Grant—

s. 90. For the relief of C. D. Martin and others;

Finance.

By Mr. Compton—

s. 91. To perpetuate the United States government surveys of land in Dallas county;

Local legislation.

By Mr. Godfrey—

s. 92. To amend section 4571 (4546) of the code;

Penitentiary.

Also,

s. 93. To amend section 4641 of the code;

Penitentiary.

REPORTS OF COMMITTEES.

Bills were reported from the committees, and read a second time, as follows:

By Mr. Parks, from revision of laws, favorably.

h. 55. To provide for the election of the general administrator of Mobile county and for filling vacancies therein.

Also, with an amendment,

s. 6. To amend subdivision 31 of section 629 of the code in regard to peddling in this state.

Also, favorably,

s. 69. To confirm the incorporation and organization of the Prattville Cotton Mills and to define, declare and enlarge the powers of said company and to change the name of the same.

s. 71. To amend section 4541 (4492) of the code.

By Mr. Milner, from internal improvements, favorably,
 s. 63. To incorporate the Tennessee River, Ashville and Coosa Railway Company, and to further the construction thereof.

n. 35. To amend section 1434 of the code.

By Mr. Milner, from municipal and county organizations, with an amendment,

n. 70. To authorize the mayor and council of the city of Uniontown to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, bearing six per cent. interest payable semi-annually, for the purpose of erecting or providing said city with waterworks, and for funding the indebtedness of said city.

By Mr. Cowan, from temperance, favorably,

s. 74. To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters or cordials, north of the Louisville and Nashville railroad, in Baldwin county, Alabama.

By Mr. Parks, from revision of laws, a substitute for the bill,

s. 1. To prohibit selling or giving cigarettes to minors.

By Mr. Haralson, from a select committee, a substitute for the bills,

s. 4 & 29. To amend section 1667 of the code: To authorize the increase of the capital stock and bonded indebtedness of private corporations organized under special charters.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills:

n. 27. To repeal an act entitled an act to amend section 3945 of the code of Alabama, so far as the same applies to the counties of Lowndes, Dallas, Perry, Hale and Wilcox.

n. 38. To provide for the better maintainance and support of the public schools of Jefferson county, Alabama.

n. 41. To incorporate the East Lake Athenium.

n. 43. To amend section 2319 of the code of Alabama.

n. 71. To fix the compensation of witnesses for the state in all criminal cases in the circuit court of Perry county, and before the grand jury of said county, and to prescribe when and how they are to be paid.

n. 76. To amend section 4816 (vol. II) code of Alabama.

ii. 136. To incorporate the Confederate Association of Alabama.

ii. 46. To amend the charter of the Birmingham Water-works Company.

The last two bills without engrossing.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read a first time and referred to appropriate committees, as follows :

- ii. 27, to local legislation ;
- ii. 38, 41, to education ;
- ii. 43, to judiciary ;
- ii. 71, to finance ;
- ii. 76, to revision of laws ;
- ii. 136, to municipal and county organizations ;
- ii. 46, to internal improvements ;

BILLS ON THIRD READING.

The senate joint resolution,

s. J. R. 2. Proposing amendment to section 2 of article XI of the constitution of the State of Alabama ;

Was taken up, and, on motion of Mr. Hundley, amended by inserting in line 10, after "trustees," the words, "or superintendents."

The joint resolution was read a third time ;

And, on motion of Mr. Cowan, was postponed and made a special order for to-morrow after the call of committees.

On motion of Mr. Parks, the joint resolution,

s. J. R. 3. Proposing amendment to section 5 of article XI of the constitution of the State of Alabama ;

Was made a special order for to-morrow, after the call of committees.

The bill,

s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state ;

Was, on motion of Mr. Skeggs, made a special order for to-morrow at 12 o'clock.

The bill.

s. 36. To make the office of commissioner of agriculture elective;

Was read a third time and passed—yeas 24, nays 4.

Yeas—Messrs. Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Steggs, Smith of Autauga, Smith of Mobile, Steagall, Waddell, Williams—24.

Nays—Messrs. President, Grant, Haralson and Stallworth—4.

The bill.

s. 47. To prevent trespass on state lands;

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Steagall, Waddell, Wiley, Williams—28.

The bill.

s. 50. To provide a system of water works for the city of Montgomery;

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Parks, Reynolds, Steggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Wiley, Williams.—27.

The bill.

s. 32. To incorporate the Alabama Methodist Orphanage;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Williams—26.

The bill.

s. 30. To amend the charter of the Birmingham Water Works Company;

Was taken up and the pending amendment adopted, as follows: Add to section 5, the words, "at its money value."

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley,

Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Williams—24.

The bill,

s. 24. To protect chickens and other poultry on the premises in the night time;

Was taken up and the pending amendment adopted, as follows: Add to the bill, "provided this act shall apply to Mobile county, only;"

The bill was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—26.

The bill,

s. 38. To require all butchers and dealers in live stock in Mobile county, to keep a register of all stock purchased or received by them;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—25.

The bill,

s. 14. To amend and confirm the charter of the Foster Hardware Manufacturing Company a corporation organized under the general incorporation laws of the state; to change the name of said company and to reduce the amount of its capital stock;

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—25.

The bill,

s. 43. To amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved February 28, 1889;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Milner, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—24.

The bill,

s. 18. To amend and confirm the charter of the Fort Payne Coal and Iron Company, a corporation organized under the general incorporation laws of the state ;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Milner, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—23.

The bill,

s. 51. To provide for the purchase of lands, and to provide additional accommodations for the patients of the Alabama Insane Hospital ;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—26.

The bill,

s. 52. To regulate the admission of patients in the Alabama Insane Hospital ;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Inzer, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—26.

The bill,

s. 53. In relation to the admission of insane criminals into the Alabama Insane Hospital ;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—26.

The bill,
s. 62. To incorporate the Lineville college at Lineville,
Clay county, Alabama;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton,
Davie, Downey, Grant, Godfrey, Handley, Haralson, Hundley,
Inzer, Milner, Minge, Parks, Reynolds, Smith of Autauga,
Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

RESOLUTIONS.

Mr. Skeggs offered a resolution, which was adopted, as follows:

Resolved, That the secretary is hereby authorized and instructed to prepare a list of the special and joint committees of the senate, and have printed fifty copies of the same for the use of the senate.

ADJOURNMENT.

At 1 o'clock p. m., on motion of Mr. Grant, the Senate adjourned.

ELEVENTH DAY.

SATURDAY, November 22, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Otts, of Greensboro.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Waddell, Williams—26.

The journal of yesterday was read and approved.

LEAVES OF ABSENCE.

Leaves of absence were granted to Mr. Harris of Lee indefinitely, on account of sickness; to Mr. Downey for one day; to Mr. Harris of Hale for two days, and to Mr. Steagall for one day.

CALL OF DISTRICTS.

The following bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Hayes (by request)—

s. 94. To relieve Elizabeth Harrison, of Madison county, a minor, under twenty-one years of age, from the disabilities of non-age;

Judiciary.

Mr. Nesmith—

s. 95. For the relief of M. L. Ussery, a teacher in a free public school in township 8, range 8, Lawrence county, Alabama;

Local Legislation.

By Mr. Lackey—

s. 96. To prescribe the duties and provide for the compensation of the county solicitor of Talladega county;

Finance.

Mr. Hargrove (Mr. Stansel presiding)—

s. 97. To prohibit the sale, or other disposition of all intoxicating liquors or other intoxicating beverages at or within five miles of Brookwood, in Tuscaloosa county;

Temperance.

Mr. Bloch—

s. 98. To incorporate the Montgomery, Hayneville and Camden Railroad;

Internal improvements.

Also,

s. 99. To abolish the county court of Wilcox county;

Judiciary.

Mr. Parks—

s. 100. To require chancellors to render final decree in behalf of complainants in cases in which there are two or more defendants litigating with each other under section 3460 of the code;

Judiciary.

Mr. Reynolds—

s. 101. To repeal in part an act in relation to trials for misdemeanors in Tuscaloosa and other counties therein named, approved March 19th, 1875 ;

Revision of laws.

Mr. Godfrey—

s. 102. To amend section 750 of the code ;

Judiciary.

Mr. Stansel—

s. 103. For the relief of the Columbus Insurance and Banking Company of the state of Mississippi ;

Judiciary.

Also,

s. 104. To prevent the sale of spirituous, vinous and malt liquors within three miles of Big Creek Baptist Church, or within Memphis beat No. 20, in Pickens county ;

Temperance.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows :

By Mr. Compton, from judiciary, favorably,

s. 57. To create a board for the equalization of tax assessments on property within the city of Montgomery ;

s. 58. To amend the charter of the city of Montgomery, and the various acts amendatory thereof ;

s. 59. To authorize the city council of Montgomery to issue bonds for school purposes, and for funding its market house bonds, and for paving the streets of the city of Montgomery.

By Mr. Handley, from finance, favorably,

ii. 15. To make appropriations for the payment of sheriffs for feeding prisoners in jail for the year ending September 30, 1889, and for the removal of prisoners during the year ending September 30, 1890, the appropriations for the purposes named for said years having been exhausted ;

Also, favorably,

s. 65. To provide for the assessment of state and county taxes on property within the corporate limits of the city of Anniston ;

s. 86. To regulate the disposition of fines arising from prosecutions under the laws of this state for cruelty to children and animals ;

Also, adversely,

s. 39. To declare void and of no force the sales of land for taxes made by the tax collectors in this state previous to the first day of July, 1887, where such lands were bid in for the state, and have not been redeemed by the owner, or other persons entitled under the laws of the state to redeem such lands, or that have not been sold or transferred by the state under any law governing the sale or transfer of lands sold for taxes and to remise, release, and quitclaim all the title of the state therein to the owner thereof.

By Mr. Haralson, from local legislation, favorably,

s. 55. To repeal section 4193 of the code, so far as the same relates to the county of Bullock and county court, and provide for the transfer of the unfinished business in said court to the circuit court of said county;

s. 82. To prevent animals from running at large on shell roads in Mobile county, and to provide a penalty therefor;

ii. 30. To authorize the court of county commissioners of Etowah county to issue bonds of said county to an amount not exceeding seventy-five thousand dollars for the purpose of securing the means to construct the court house and furnish the same with suitable furniture and for the purpose of paying for building an additon to the jail for said county.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated, passed, and ordered forthwith to the senate, without engrossment, the bill,

ii. 2. To repeal section 4197, article III of code of Alabama, so far as the same applies to Bibb county.

The house has also originated and passed the following bills :

ii. 10. To repeal an act entitled and act for the preservation of game, animals and birds in the counties of St. Clair, Lauderdale, Colbert, Marengo, Jefferson, Pike and Covington, so far as the same relates to the county of Covington.

ii. 12. To prevent the sale of spirituous, vinous or malt liquors within two miles of Daleville Methodist, or Baptist Churches in Dale county, Alabama.

ii. 13. To incorporate the town of Midland City, in the county of Dale.

ii. 28. To provide for the election of the four county com-

missioners of Etowah county by the qualified voters of said county, and to prescribe the term of office of said commissioners.

H. 34. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, within five miles of Oak Grove Church, Fellowship Church, Centre Church, and Union Springs Church in Henry county, Alabama.

H. 83. To amend rule 4 of chancery practice, page 811, code of Alabama.

H. 100. To legalize the marriage of James A. Tindell and Winnie O. Tindell, the widow of Samuel Tindell, now deceased, the uncle of said James A. Tindell, of Dale county, Alabama.

And has adopted a joint resolution herewith sent, instructing the joint committee on public roads and highways to prepare a public road law.

The house has concurred in the report of the joint committee, relative to the adjournment and reassembling of the general assembly.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, in the foregoing house messages, were severally read a first time and referred to appropriate committees as follows:

H. 2, 10, 13, 28, to local legislation.

H. 12, 34, to temperance.

H. 83, 100, to judiciary.

The senate concurred in the house joint resolution in the foregoing message.

REPORT OF JOINT COMMITTEE ON RECESS.

Mr. Stansel, from a joint committee, submitted the following report:

Mr. President:

The select committee to which was referred the resolution providing for adjournment and reassembling of this body after the Christmas holidays, report that this general assembly

do adjourn for the holidays on the 10th day of December, 1890, and reassemble on the 20th day of January, 1891.

M. L. STANSEL,
 NORFLEET HARRIS,
 on part of the senate.
 W. T. WEBB,
 J. H. HARRIS,
 J. A. WATTERS,
 on part of house.

On motion of Mr. Inzer, the foregoing report was amended by striking out "20th" and inserting "27th."

The report, as amended, was concurred in.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,
 EXECUTIVE DEPARTMENT,
 OFFICE OF THE GOVERNOR.
 MONTGOMERY, November 22, 1890.

Mr. President:

I am directed by his excellency, the governor, to communicate to the senate a message in writing with accompanying documents.

Very respectfully,
 J. K. JACKSON,
 Private Secretary.

OFFICE OF THE GOVERNOR, November 22, 1890.

Gentlemen of the Senate and of the House of Representatives:

I herewith transmit the biennial report of the board of trustees of the University of Alabama for the period ending June 15th, 1890.

I also communicate to you, in manuscript, the report of the trustees of the Agricultural and Mechanical College of Alabama, for the years 1888-9 and 1889-90.

I also transmit in connection with this last named report a letter from the president of the board of trustees of the State Normal School for colored students touching a division of the fund recently appropriated by congress to supplement the

endowment and support of colleges for the benefit of agriculture and mechanic arts established under act of congress approved July 2nd, 1862.

THOS. SEAY.

The governor's message was referred to the joint committee on printing.

The senate proceeded to consider

THE SPECIAL ORDERS.

The senate joint resolution,

s. j. r. 2. Proposing amendment to section 2 of article XI of the constitution of the State of Alabama;

Was taken up, and, on motion of Mr. Hundley, the vote ordering the bill to a third reading was reconsidered.

On motion of Mr. Compton, s. j. r. 2, with the joint resolution,

s. j. r. 3. Proposing amendment to section 5, article XI of the constitution of the State of Alabama;

Was postponed and made the special order for 12 o'clock, on the second day after the holiday recess.

BILLS ON THIRD READING.

The bill,

H. 55. To provide for the election of the general administrator of Mobile county and for filling vacancies therein;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—24.

The bill,

s. 6. To amend subdivision 31 of section 629 of the code in regard to peddling in this state;

Was taken up, and the first, second and third amendments, proposed by the committee, were adopted.

The fourth amendment was taken up.

Mr. Godfrey moved to strike out "forty-five" and insert "seventy-five."

On motion of Mr. Hargrove (Mr. Parks presiding), the bill was recommitted to the judiciary committee.

The bill,

s. 71. To amend section 4541 (4492) of the code;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Messrs. Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—21.

The bill,

s. 63. To incorporate the Tennessee River, Ashville and Coosa Railway Company, and to further the construction thereof;

Was taken up. Mr. Inzer offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—21.

The bill,

s. 74. To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating biters or cordials, north of the Louisville and Nashville railroad in Baldwin county, Alabama;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Godfrey, Handley, Haralson, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—20.

The bill,

s. 1. To prohibit selling or giving cigarettes to minors;

Was taken up and the pending substitute adopted with caption as follows:

To prohibit selling, or giving cigarettes, cigarette papers, cigarette tobacco, or any other kind of cigar which contains any drug, or drugs injurious to health.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—23.

The bills,

s. 4 & 29. To amend section 1667 of the code: To authorize the increase of the capital stock and bonded indebtedness of private corporations organized under special charters;

Were taken up, and the substitute therefor proposed, by the committee, was adopted with caption, as follows:

s. 4. To amend section 1667 of the code.

The bill was read a third time and passed—yeas 24, nays 0,

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

RESOLUTIONS.

Mr. Bloch offered a joint resolution, raising a joint committee to consider and report as to the advisability and cost of heating the capitol with steam;

Which was adopted.

The president appointed on said committee, Messrs. Bloch and Wiley.

ADJOURNMENT.

At one o'clock p. m., on motion of Mr. Skeggs, the senate adjourned.

TWELFTH DAY.

MONDAY, Nov. 24th, 1890.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Thompson, of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith, of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Wiley, Williams—27.

The journal of Saturday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Stallworth, Skeggs, and Laekey, for one day, and to the doorkeeper, for three days.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows :

By Mr. Hayes—

s. 105. To provide for the safety of moneys in the hands of the public officers, administrators, executors, guardians and trustees in this state ;

Judiciary.

By Mr. Hargrove (Mr. Inzer presiding)—

s. 106. To regulate garnishments against salaries and wages of persons employed ;

Judiciary.

Also,

s. 107. For the relief of Jno. W. Miller, a citizen of Bibb county ;

Finance.

By Mr. Stansel (by request)—

s. 108. To amend sections 2567 and 3338 of the code of Alabama ;

Judiciary.

By Mr. Inzer—

s. 109. To amend section 4533 (5002) of the code ;

Penitentiary.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bill, your signature thereto is requested, viz :

ϒ. 5. To relieve Minnie S. Parker, of Calhoun county, Alabama, a minor, of the disabilities of non-age.

BEN F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after its title had been publicly read, signed the bill, the title of which is set out in the foregoing house message.

REPORTS FROM COMMITTEES.

Bills were reported from committees and read a second time, as follows :

By Mr. Milner, from internal improvements, favorably,
s. 98. To incorporate the Montgomery, Hayneville and Camden Railroad.

By Mr. Godfrey, from penitentiary, favorably,
s. 93. To amend section 4641 of the code.

By Mr. Cowan, from temperance, a substitute for,
s. 88. To prevent the sale of liquors within three miles of Hebron baptist church, in Pickens county.

BILLS ON THIRD READING.

The bill,

n. 35. To amend section 1434 of the code ;

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Godfrey, Handley, Haralson, Hayes, Inzer, Milner, Minge, Nesmith, Parks, Smith of Autauga, Stansel, Williams—19.

The bill,

s. 69. To confirm the incorporation and organization of the Prattville Cotton Mills and to define, declare and enlarge the powers of said company and to change the name of the same ;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Waddell, Wiley, Williams—22.

The bill,

s. 57. To create a board for the equalization of tax assessments on property within the city of Montgomery ;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Hayes,

Inzer, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Wiley, Williams—24.

The bill,

s. 58. To amend the charter of the city of Montgomery and the various acts amendatory thereof;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Grant, Godfrey, Handley, Haralson. Inzer, Milner, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Wiley, Williams.—21.

The bill,

s. 59. To authorize the city council of Montgomery to issue bonds for school purposes, and for funding its market house bonds, and for paving the streets of the city of Montgomery;

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Milner, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Wiley, Williams—23.

The bill,

n. 15. To make appropriations for the payment of sheriffs, for feeding prisoners in jail for the year ending September 30, 1889, and for the removal of prisoners during the year ending September 30, 1890, the appropriations for the purposes named for said years having been exhausted;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Williams—25.

The bill,

s. 65. To provide for the assessment of state and county taxes on property within the corporate limits of the city of Anniston;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Williams—24.

The bill,

s. 86. To regulate the disposition of fines arising from prosecutions under the laws of this state for cruelty to children and animals;

Was taken up.

Mr. Bradley moved to except the counties of Marion, Franklin, Fayette and Lamar from the provisions of the bill. Carried.

Mr. Waddell offered an amendment, which was adopted, as follows:

Add,

“Be it further enacted, that the provisions of this act shall apply only to such counties in which such societies exist, or may hereafter exist.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Parks, Reynolds, Smith of Antauga, Smith of Mobile, Stansel, Steagall, Waddell—23.

The bill,

s. 39. To declare void and of no force the sales of land for taxes made by the tax collectors in this state previous to the first day of July, 1887, where such lands were bid in for the state, and have not been redeemed by the owner, or other persons entitled under the laws of the state to redeem such lands, or that have not been sold or transferred by the state under any law governing the sale or transfer of lands sold for taxes and to remise, release, and quitclaim all the title of the state therein to the owner thereof;

Was taken up;

And on motion of Mr. Smith of Mobile, the adverse report was concurred in.

The bill,

s. 55. To repeal section 4193 of the code, so far as the same relates to the county of Bullock and county court, and provide for the transfer of the unfinished business in said court to the circuit court of said county;

Was read a third time and passed—20, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Parks, Reynolds, Smith of Antauga, Smith of Mobile, Stansel, Steagall, Waddell—23.

The bill,

s. 82. To prevent animals from running at large on the

shell roads in Mobile county, and to provide a penalty therefor ;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell—22.

The bill,

ii. 30. To authorize the court of county commissioners of Etowah county to issue bonds of said county to an amount not exceeding seventy-five thousand dollars for the purpose of securing the means to construct the court house and furnish the same with suitable furniture and for the purpose of paying for building an addition to the jail for said county ;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Wiley—25.

Of the foregoing bills, s. 57, 58, 59 and 65 were ordered to the house forthwith without engrossment.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has adopted the resolution herewith sent, appointing a joint committee to formulate and report an omnibus prohibition bill.

Committee on the part of the house :

Messrs. Lee of Conecuh, Amason of Tallapoosa, Kemp ;

And has adopted the joint resolution, herewith sent, relative to inviting Grover Cleveland to address the general assembly of Alabama.

BEX F. ELMORE, Clerk.

HOUSE MESSAGES.

The house joint resolutions in the foregoing house message were concurred in.

The president appointed as the committee on the part of the senate under the first resolution, Messrs. Cowan and Downey.

ADJOURNMENT.

At 12:30 o'clock p. m., on motion of Mr. Haralson, the senate adjourned.

THIRTEENTH DAY.

TUESDAY, November 25, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Thompson of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Stegall, Waddell, Wiley—32.

The journal of yesterday was read and approved.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Hargrove (Mr. Parker presiding)—

s. 110. To amend sections 19 and 20 of the code of Alabama of 1886:

Revision of laws.

Also,

s. 111. To provide an office and create a salary for the superintendent of Bibb county, and to further define his duties;

Education.

Also,

s. 112. To amend section 968 of the code of Alabama:

Education.

By Mr. Bradley—

s. 113. To regulate and prescribe the manner of electing county commissioners in the counties of Lamar, Fayette, Marion and Franklin:

Local legislation.

By Mr. Wiley—

s. 114. To incorporate the Alabama, Florida and Mississippi Railroad Company, and to further the construction of said railroad.;

Judiciary.

By Mr. Grant—

s. 115. To declare the town of Jacksonville, in Calhoun county, Alabama, a watering place, within the meaning of section 4053 of the code of 1886;

Local legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature is requested.

H. 15. To make appropriations for the payment of sheriff's for feeding prisoners in jail for the year ending September 30, 1889, and for the removal of prisoners during the year ending September 30, 1890, the appropriations for the purposes named for said years having been exhausted.

H. 55. To provide for the election of the general administrator of Mobile county and for filling vacancies therein.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the house bills set out in the foregoing message.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills:

H. 31. To provide for the permanent location of the county site of Fayette county, by the vote of the people of said county.

H. 40. To incorporate the Birmingham Coal Company.

H. 88. For the preservation of game, animals and birds in the county of Walker.

n. 98. To change the boundary line between the counties of Covington and Crenshaw.

n. 114. To change and define the corporate limits of Courtland, Alabama, and amending section one of an act, entitled an act to incorporate the town of Courtland in the county of Lawrence, approved December 16, 1873.

n. 115. To separate the office of sheriff and tax collector in Marion county, and to provide for the election of a tax collector.

n. 139. For the relief of state witnesses in the counties of Tuscaloosa, Bibb, Chilton, Calhoun, Washington, Crenshaw, Fayette, Lauderdale, Colbert, Chambers, Pike, Cleburne, Etowah, Escambia, Covington, Clay, Lamar, Conecuh, Randolph, Blount, Lawrence, Baldwin, St. Clair, Limestone and Morgan, in cases in which the state fails.

n. 142. To make the fees of bonded constables of the counties of Tuscaloosa, Madison, Jefferson, Etowah, Perry, Franklin St. Clair, Coosa, Clay, Chambers, Macon, Elnore, Russell, Henry, Colbert, Lee, Dallas, Cherokee, Pickens, Chilton, Calhoun, Walker, Fayette, Bibb, Escambia Crenshaw, Cleburne, Talladega, Tallapoosa, Morgan, Blount, Pike, DeKalb, Lauderdale Limestone, Winston, Bullock Marshall and Lawrence, the same as sheriffs fees when they perform the same, or similar services.

n. 144. To amend section 1, of an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties and to authorize elections thereon, approved Feb. 27, 1889.

n. 163. To amend section 1187 of the code.

n. 162. To amend section 1174 of the code.

n. 161. To amend section 1186 of the code.

n. 179. For the preservation of game in certain districts in Conecuh county.

n. 132. To provide for the election of a county superintendent of education for Perry county.

n. 52. To provide for a re-registration of all legal claims against the fine and forfeiture fund of Marion county.

n. 176. To regulate the election of county commissioners for Tallapoosa county.

n. 159. To incorporate Fairview M. E. church, South, and Friendship Baptist church, situated in T. 8, R. 7, DeKalb county, Alabama, in close proximity with the following named trustees and their successors in office, viz: Jas. A. Young,

Jas. M. Pickens, J. A. Dobbins, Peter F. Stewart and B. D. Ward, chosen by their respective churches.

ii. 32. To provide for the holding of elections in the several beats in Geneva chunty to determine whether alcoholic, vinous or malt liquors shall be sold in such beats.

ii. 103. To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters or cordials within three miles of Pilgrim's Rest Baptist church, and also Morton's Chapel Methodist church, all in Etowah county, Alabama.

ii. 170. To prohibit the sale, giving away or otherwise disposing of intoxicating liquors, within one half ($\frac{1}{2}$) mile in every direction of Bethel church at Adams cotton mills near the city of Montgomery.

ii. 113. To prohibit the selling, bartering, exchanging or giving away of spirituous, vinous or malt liquors, intoxicating bitters or beverages nearer new Mt. Bethel church in Cross Roads beat No. 4, township two, range eight, Lauderdale county, than beat line in every direction from said church.

ii. 169. To provide for the disposition of the volumes of Smith's condensed reports, now in the possession of the secretary of state.

ii. 105. To amend section 5 of an act entitled an act to create the office of county solicitor for the county of Hale, to provide for the appointment of such county solicitor, and to prescribe his powers and duties, approved February 28th, 1889.

ii. 225. To protect and regulate the time and manner of catching and taking fish from and in the waters of the state of Alabama, in the counties of Mobile and Baldwin.

ii. 150. To provide for an election in the various beats, or parts of beats, in the county of Clay, "on the subject of stock running at large" in the beats, or parts of beats, in said county.

And has passed,

s. 22. To provide for the compensation of state witnesses in Mobile county;

s. 21. To dispose of the fine and forfeiture fund of Mobile county, and to provide for the payment of all claims which are by law a charge against said fund.

And has concurred in the senate joint resolution relative to investigating the advisability of heating the capitol by steam;

Committee on part of the house, Messrs. Brewer, Brown and Hill.

And has non-concurred in the senate amendment to the report of the committee on recess and ask for a committee of conference thereon;

Committee on the part of the house, Messrs. Watters, Amason of Tallapoosa and Clanton;

And has adopted a joint resolution, herewith sent, relative to requesting our representatives in congress to support the bill introduced by Senator Morgan appropriating the proceeds of all public lands in this state to the public schools of this state.

B. F. ELMORE, Clerk.

HOUSE MESSAGES.

The house bills, in the foregoing house message were severally read a first time and referred to appropriate committees, as follows:

- ii. 31, 88, 114, 40, to municipal and county organizations;
- ii. 98, 115, 179, 52, 176, to local legislation;
- ii. 144, 225, 150, to agriculture;
- ii. 163, 161, 105, 139, 142, to revision of laws;
- ii. 162, to internal improvements;
- ii. 132, to education;
- ii. 32, 103, 170, 113, to temperance;
- ii. 169, to finance.

The senate acceded to the request of the house for a committee of conference on the disagreement of the two houses as to the senate amendment to the report of the conference committee on the holiday recess.

The president appointed as the committee on the part of the senate, Messrs. Stansel, Harris of Hale, and Parker.

The house joint resolution in the foregoing house message was concurred in.

REPORTS OF COMMITTEES.

Bills were reported from the committees, and read a second time, as follows:

By Mr. Compton, from judiciary, favorably,

s. 64. To authorize the judges of the circuit and city courts of this state in term time, to apportion costs in actions brought to recover land or the possession thereof, where only a portion of the land sued for is recovered;

- s. 102. To amend section 750 of the code ;
- s. 80. To allow felonies and misdemeanors of the same class to be joined in the same indictment ;
- s. 100. To require chancellors to render final decrees in behalf of complainants in cases in which there are two or more defendants litigating with each other under section 3460 of the code ;
- s. 99. To abolish the county court of Wilcox county ;
Also, with an amendment,
- s. 89. To amend an act entitled an act to amend section 1759 of the code, approved February 26th, 1889 ;
Also, favorably,
- ii. 100. To legalize the marriage of James A. Tindell and Winnie O. Tindell, the widow of Samuel Tindell, now deceased, the uncle of said James A. Tindell, of Dale county, Alabama ;
- s. 108. To fill the vacancy caused by the death of John Swann, one of the trustees under the act approved February 23rd, 1876 ;
- ii. 83. To amend rule 4 of chancery practice, page 811, code of Alabama.
By Mr. Parks, from revision of laws, favorably,
- s. 101. To repeal in part an act in relation to trials for misdemeanors in Tuskaloosa and other counties therein named, approved, March 19th, 1875 ;
- ii. 76. To amend section 4816 (vol. II) code of Alabama ;
- s. 91. To perpetuate the United States government surveys of lands in Dallas county ;
- ii. 27. To repeal an act entitled an act to amend section 3945 of the code of Alabama, so far as the same applies to the counties of Lowndes, Dallas, Perry, Hale and Wilcox ;
- ii. 28. To provide for the election of the four county commissioners of Etowah county by the qualified voters of said county, and to prescribe the term of office of said commissioners ;
- ii. 10. To repeal an act entitled an act for the preservation of game animals and birds in the counties of St. Clair, Lauderdale, Colbert, Marengo, Jefferson, Pike and Covington, so far as the same relates to the county of Covington ;
- ii. 13. To incorporate the town of Midland City in the county of Dale.
By Mr. Milner, from internal improvements, favorably,
- s. 48. To repeal section 3210 and to amend sections 3211,

3212, 3214, 3215, 3216 and 3217 of the code, relating to the condemnation of lands for public uses.

By Mr. Smith of Mobile, from agriculture, favorably.

s. 78. To provide for bells at public ferries in Wilcox county;

s. 79. To provide for safe and convenient passage of gates across the public highways in Wilcox county;

s. 83. To provide for the humane killing of animals so maimed or crippled by railroad locomotives or cars, as to be unable to procure food or drink for themselves;

s. 85. To provide for destroying abandoned diseased or injured animals;

s. 84. To prevent the abandonment of maimed, diseased, disabled or infirm animals by their owners or custodians.

By Mr. Cowan, from temperance, favorably.

s. 97. To prohibit the sale, or other disposition of all intoxicating liquors or other intoxicating beverages at or within five miles of Brockwood, in Tuskaloosa county;

s. 104. To prevent the sale of spirituous, vinous, and malt liquors within three miles of Big Creek Baptist Church, or within Memphis beat No. 20, in Pickens county.

BILLS ON THIRD READING.

The bill,

s. 60. To amend and extend the charter of the Commercial Bank of Selma, approved December the 10th, 1864;

Was taken up.

Mr. Compton offered a substitute therefor, which was adopted with caption, as follows:

s. 60. To amend and extend the charter of the Commercial Bank of Selma, and to amend an act entitled an act to incorporate the Selma Savings Company, approved December 10th, 1864, and an act entitled an act to amend the act entitled an act to incorporate the Selma Savings Company, approved February 23d, 1866, and an act entitled an act to change the name of the Selma Savings Company to the Selma Savings Bank, approved January 28th, 1870, and an act entitled an act to change the name of the Selma Savings Bank to the Commercial Bank of Selma, approved February 10th, 1879.

The bill was read a third time and passed—yeas 30, nays 0.
Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Comp-

ton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—30.

The bill,

s. 98. To incorporate the Montgomery, Hayneville and Camden Railroad;

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell—28.

The bill,

s. 93. To amend section 4641 of the code;

Was taken up, and, on motion of Mr. Skeggs, made a special order for Thursday at 12 o'clock, and fifty copies ordered printed.

The bill,

s. 88. To prevent the sale of liquor within three miles of Hebron Baptist Church, in Pickens county;

Was taken up, and the substitute adopted, with caption as follows:

To prohibit the selling, giving away, or otherwise disposing of alcoholic liquors within three miles of Hebron Baptist Church, in Pickens county.

The bill was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—27.

The bill,

h. 70. To authorize the mayor and council of the city of Uniontown to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, bearing six per cent. interest payable semi-annually, for the purpose of erecting or providing said city with waterworks, and for funding the indebtedness of said city;

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson,

Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—28.

The senate proceeded to consider the

SPECIAL ORDER,

Which was the bill,

s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state.

On motion of Mr. Downey, the bill was recommitted to the committee on revision of laws.

ELECTION OF UNITED STATES SENATOR.

At the hour of twelve m., the senate proceeded to consider the

REGULAR ORDER,

Which was the election of United States Senator.

This being the second Tuesday after the meeting and organization of the general assembly, the day fixed by act of congress for the election of a senator in congress, the senate proceeded openly by a *viva voce* vote of each member present, to name one person to represent the state of Alabama in the congress of the United States, whose term of office will begin on the 4th day of March, 1891.

The president stated the regular order to be the election of a senator in congress, and announced that nominations were in order.

Mr. Smith of Autauga placed in nomination Thomas H. Watts, of Montgomery.

Mr. Milner placed in nomination James L. Pugh, of Barbour.

Mr. Harris of Hale placed in nomination Thomas Seay, of Hale.

Mr. Smith of Mobile by request, placed in nomination Reuben F. Kolb, of Barbour.

Those who voted for Mr. Watts are:

Messrs. Parker, Parks, Smith of Autauga, Stallworth, Wiley—5.

Those who voted for Mr. Seay are :
Messrs. Bradley, Cowan, Handley, Harris of Hale, Hayes,
Hundley, Lackey, Minge, Stansel—9.

Those who voted for Mr. Kolb are :
Messrs. Harris of Lee, Inzer, Nesmith, Reynolds, Smith of
Mobile—5.

Those who voted for Mr. Pugh are :
Mr. President, Berry, Bloch, Compton, Davie, Downey,
Grant, Godfrey, Haralson, Milner, Skeggs, Steagall, Wad-
dell—13.

The president then declared the result as follows :

Mr. Watts received five votes.

Mr. Pugh received thirteen votes.

Mr. Seay received nine votes.

Mr. Kolb received five votes.

No one of the candidates received a majority of the votes
cast.

ADJOURNMENT.

At 12:30 p. m., on motion of Mr. Grant, the senate ad-
journed.

FOURTEENTH DAY.

WEDNESDAY, November 26th, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Thompson, of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan,
Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris
of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Mil-
ner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith
of Antanga, Smith of Mobile, Stallworth, Stansel, Steagall,
Waddell, Wiley—31.

The journal of yesterday was read and approved.

LEAVES OF ABSENCE.

Leaves of absence were granted Messrs. Downey and Williams for the day, and to Mr. Bamberg, the assistant door-keeper, indefinitely, on account of sickness.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is required :

H. 30. To authorize the court of county commissioners of Etowah county to issue bonds of said county to an amount not exceeding seventy-five thousand dollars for the purpose of securing the means to construct the court house and furnish the same with suitable furniture and for the purpose of paying for building an additon to the jail for said county.

H. 35. To amend section 1434 of the code.

B. F. ELMORE,

Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the house bills, the titles of which are set forth in the foregoing house message.

CALL OF DISTRICTS.

The following bills were introduced, read a first time and referred to appropriate committees, as follows :

By Mr. Nesmith, by request—

s. 116. To regulate the trials of misdemeanors in Lawrence county;

Judiciary.

Mr. Inzer—

s. 117. To establish the city court of Gadsden;

Judiciary.

Also,

s. 118. To dissolve garnishments in cases where the defendant executed bond for the plaintiff;

Judiciary.

Also,

s. 119. To amend section 2132 (2507) of the code;
Judiciary.

Also, by request,

s. 120. To incorporate the city of Ashville, in St. Clair
county, Alabama;

Municipal and county organizations.

Mr. Milner—

s. 121. To amend section 3217 of the code;
Internal improvements.

The president laid before the senate a—

s. 122. Memorial of the Alabama Baptist State Convention
relative to granting licenses to sell liquor;

Which was referred to the committee on temperance.

REPORTS OF COMMITTEES.

Bills were reported from committees and read a second
time, as follows:

By Mr. Skeggs, from education, favorably,

s. 66. To constitute the city of Anniston a separate school
district and to provide a board of education therefor.

s. 72. To incorporate "The City School Board of Selma."

ii. 41. To incorporate the Eastlake Athenaeum.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bill:

ii. 146. To establish a charter for the town of Woodlawn,
in Jefferson county, Alabama;

And has adopted the resolution herewith sent relative to a
joint meeting of the two houses at 12 m. to-day, for the pur-
pose of declaring the result of the ballot for United States
senator on yesterday, and for the purpose of taking a joint
ballot for United States senator.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bill (ii. 146), in the foregoing message, was read

the first time and referred to the committee on municipal and county organizations.

The house joint resolution was concurred in.

BILLS ON THIRD READING.

The bill,

s. 64. To authorize judges of the circuit and city courts of this state in term time, to apportion costs in actions brought to recover land or the possession thereof, where only a portion of the land sued for is recovered;

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—28.

The bill,

s. 102. To amend section 750 of the code;

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—27.

The bill,

s. 80. To allow felonies and misdemeanors of the same class to be joined in the same indictment;

Was read a third time and passed—yeas 26, nays 1.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—26.

Mr. Wiley voted no.

The bill,

s. 100. To require chancellors to render final decrees in behalf of complainants in cases in which there are two or more defendants litigating with each other under section 3460 of the code;

Was read a third time and passed—yeas 27, nays 2.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Godfrey, Handley, Haralson, Harris of Hale, Harris

of Lee, Hayes, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—27.

Messrs. Lackey and Parker voted no.

The bill,

s. 99. To abolish the county court of Wilcox county ;

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—27.

The bill,

s. 89. To amend an act entitled an act to amend section 1759 of the code, approved February 26th, 1889 ;

Was taken up, and the pending amendment adopted, as follows :

Amend by striking out the words, "Mardi Gras," in the 14th line, and inserting in lieu thereof the words, "and the first day of January."

Mr. Smith offered an amendment, which was adopted, as follows :

Strike out "and the first Monday in September, known as "labor day."

The bill was read a third time and passed—yeas 27, nays 2.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—27.

Messrs. Hundley and Skeggs, voted no.

The bill,

ii. 100. To legalize the marriage of James A. Tindell and Winnie O. Tindell, the widow of Samuel Tindell, now deceased, the uncle of said James A. Tindell, of Dale county, Alabama ;

Was read a third time and passed—yeas 25, nays 1.

Yeas—Messrs. Berry, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—25.

Mr. Hargrove voted no.

The bill,

ii. 108. To fill the vacancy caused by the death of John Swann, one of the trustees under the act approved, February 23rd, 1876;

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—28.

The bill,

n. 83. To amend rule 4, of chancery practice, page 811, code of Alabama;

Was read a third time and passed—yeas 29, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—29.

The bill,

ii. 101. To repeal in part an act in relation to trials for misdemeanors in Tuskaloosa and other counties therein named, approved, March 19th, 1875;

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—28.

The bill,

ii. 76. To amend section 4816 (vol. II.) code of Alabama;

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Waddell, Wiley—27.

The bill,

s. 91. To perpetuate the United States government surveys of lands in Dallas county;

Was read a third time and passed—yeas 31, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer Lackey, Milner,

Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—31.

RESOLUTIONS.

By leave, Mr. Skeggs offered a joint resolution providing for the adjournment of the general assembly for Thanksgiving Day.

Adopted.

Also, a resolution, asking the governor to notify the senate, when he would transmit to the senate the report of the inspector of convicts.

Adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

I am directed by the house to invite the senate into the hall of the house to ascertain and declare the result of the ballot on yesterday for United States Senator and to take additional ballots if necessary.

BENJ. F. ELMORE,
Clerk.

JOINT CONVENTION FOR THE ELECTION OF U. S. SENATOR.

In response to the foregoing invitation, the senate proceeded to the hall of the house of representatives to ascertain and declare, in joint convention of the two houses of the general assembly, the result of the ballot in the two houses on yesterday for United States Senator, and to take additional ballots, if found necessary, for United States Senator, whose term of office will begin on March 4th, 1891.

The president of the senate called the joint convention to order, and directed the secretary of the senate to call the roll of the senate, whereupon the following senators answered to their names, being a majority of the senate, viz.:

Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga,

Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—31.

The speaker of the house then directed the clerk of the house to call the roll of the house, whereupon the following representatives answered to their names, being a majority of the house of representatives, viz.:

Messrs. Speaker, Adams, Alexander, Almon, Amason of Sumter, Amason of Tallapoosa, Appleton, Armistead, Avery, Ayres, Bain, Barnett, Bass, Bevis, Bishop, Blackwell, Brewer, Brown, Buck, Burford, Clanton, Clayton, Coleman, Cooper, Correlius, Crews, Cox, Davidson, Davis of Fayette, Davis of Lamar, Davis of Winston, Edwards, Finch, Forman, Foster, Gass, Gilchrist, Gordon, Harrell, Harris, Henry, Hill, Howle, Hufham, Jackson, Johnson, Jones, Judge, Kelly, Kemp, Lane, Langley, Lee of Barbour, Lee of Conecuh, Leigh, Leslie, Lewis, Long, Longshore, Loveless, Meador, Moore of Baldwin, Nolen, Northlinton, Parker, Parks, Peacock, Pettus, Poole, Powell, Purifoy, Quarles, Rather, Rousseau, Sayre, Scott, Screws, Simmons, Smaw, Smith of Dallas, Smith of Russell, Sparkman, Steele, Sullivan, Thrasher, Townsend of Limestone, Townsend of Pike, Tucker of Crenshaw, Tucker of Lauderdale, Wade, Watters, Webb, Whatley, White, Wood, Wilson, Young—97.

The president of the senate then declared that a majority of the two houses was present.

The secretary of the senate and clerk of the house then read the journals of yesterday of the senate and house, respectively, relating to the vote for United States Senator.

The president of the senate then declared that the same person had not received a majority of the votes in each house, and no one had been elected senator to represent the state of Alabama in the congress of the United States, and that the joint assembly would proceed to choose by a *viva voce* vote of each member present a person for senator;

And directed the secretary of the senate to call the roll of the senate.

Those of the senate who voted for Jas. L. Pugh, are:

Mr. President, Berry, Bloch, Compton, Davie, Grant, Godfrey, Haralson, Harris of Lee, Milner, Parker, Skeggs, Steagall, Waddell—14.

Those of the senate who voted for Thomas Seay, are:

Messrs. Bradley, Cowan, Handley, Harris of Hale, Hayes, Hundley, Lackey, Minge, Stansel, Williams—9.

Those of the senate who voted for R. F. Kolb, are :

Messrs. Inzer, Nesmith, Reynolds and Smith of Mobile—4.

Those of the senate who voted for Mr. Watts, are :

Messrs. Parks, Smith of Autauga, Stallworth and Wiley—4.

The speaker of the house then directed the clerk of the house to call the roll of the house.

And those of the house of representatives who voted for Mr. Pugh, are :

Messrs. Almon, Appleton, Ayres, Brewer, Buck, Burford, Clayton, Cooper, Crews, Cox, Henry, Howle, Kelly, Kemp, Lee of Conecuh, Leigh, Leslie, Lewis, Long, Loveless, Meador, Moore of Baldwin, Quarles, Smith of Russell, Steele, Thrasher, Wade, Watters, Whatley, White, Wood, Young.—32.

Those of the house of representatives who voted for Mr. Seay, are :

Messrs. Amason of Sumter, Avery, Blackwell, Brown, Clanton, Finch, Gass, Johnson, Jones, Judge, Lane, Pettus, Smaw, Smith of Dallas, Sparkman, Sullivan, Tucker of Lauderdale—17.

And those of the house of representatives, who voted for Mr. Kolb, are :

Messrs. Speaker, Adams, Alexander, Amason of Tallapoosa, Armistead, Bain, Barnett, Bass, Bevis, Bishop, Coleman, Cornelius, Davidson, Davis of Fayette, Davis of Lamar, Davis of Winston, Edwards, Forman, Gordon, Harris, Huffman, Jackson, Langley, Lee of Barbour, Longshore, Nolen, Northington, Parks, Peacock, Poole, Rousseau, Scott, Simmons, Townsend of Limestone, Townsend of Pike, Tucker of Crenshaw, Wilson—37.

Those of the house of representatives, who voted for Mr. Watts, are :

Messrs. Foster, Gilchrist, Harrell, Hill, Parker, Powell, Purifoy, Rather, Sayre, Screws, Webb—11.

The president of the senate, then, declared the result, as follows :

Mr. Pugh had received 46 votes.

Mr. Kolb had received 41 votes.

Mr. Seay had received 26 votes.

Mr. Watts had received 15 votes.

Total 128.

Necessary to a choice sixty-five, and that no one person voted for had received a majority of the votes cast.

Mr. Pettus offered the following resolution, which was adopted, viz :

Resolved, that whereas to-morrow, Thursday, Nov. 27, is a legal holiday, being "Thanksgiving Day," that this assembly adjourn until Friday, Nov. 28, at 12 o'clock m.

The president of the senate, then, declared the joint convention dissolved, and the senate returned to its chamber.

ADJOURNMENT.

And on motion of Mr. Skeggs, at 12:30 o'clock p. m., the senate adjourned, till 10:30 o'clock a. m. on Friday.

FIFTEENTH DAY.

FRIDAY, Nov. 28, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Thompson, of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Haudley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Ne-smith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—31.

The journal of yesterday was read and approved.

LEAVES OF ABSENCE.

Leave of absence was granted to Messrs. Downey and Harris, of Lee, indefinitely on account of sickness, to Mr. Hundley for two days and to Messrs. Davie and Berry for one day.

PRIVILEGED QUESTION.

Mr. Skeggs arose to a question of privilege, and stated that inasmuch as the report of the inspectors of convicts had been placed on the desks of the senators, that the object of his resolution on that subject had been accomplished, and he asked leave to withdraw the same. The leave requested was granted.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows :

By Mr. Skeggs—

s. 123. To divide the county of Blount into two circuit court districts and to provide for the holding of such courts at Oneonta and Bangor in said county ;

Municipal and county organizations ;

Also, by request—

s. 124. To authorize and empower the commissioners of Blount county to build a court house and jail at Bangor in said county ;

Municipal and county organizations.

Mr. Hundley, by request—

s. 125. To make valid and binding all deeds, grants and conveyances of real property when at the time of the execution of the same such property is in the adverse possession of another ;

Judiciary.

Mr. Grant—

s. 126. To provide for recording bonds for title ;

Judiciary.

Also,

s. 127. To provide for the dissolution of private corporations ;

Judiciary.

Mr. Berry—

s. 128. For the assessment and collection of taxes in the county of Tallapoosa for the years 1891 and 1892 ;

Local legislation.

Mr. Hargrove—

s. 129. To amend section 1504 and 1505 of the code so far as the same relates to the town of Centreville, a town incorporated under the general incorporation laws ;

Municipal and county organizations.

Mr. Parker—

s. 130. To refund to Willam B. Bell, of Coosa county, money paid by mistake to the superintendent of education ;

Finance.

Mr. Cowan—

s. 131. To amend section 1319 (1544), of the code ;

Temperance.

- Mr. Steagall—
 s. 132. To fix the time and place of holding circuit court in Geneva, Coffee and Dale counties;
 Judiciary.
- Mr. Compton, by request—
 s. 133. To provide for paying the accounts of sheriffs against the state;
 Revision of laws;
 Also, by request—
 s. 134. To provide for payment for services rendered by sheriffs in relation to public roads;
 Revision of laws;
 Also, by request—
 s. 135. To fix the fees of sheriffs for executing process issued by a justice of the peace;
 Revision of laws.
 Also, by request—
 s. 136. To amend section 4686 (4032) of the code;
 Revision of laws.
 Also, by request—
 s. 137. To fix the compensation of sheriffs for feeding prisoners in jail;
 Revision of laws.
 Also, by request—
 s. 138. To amend section 4504 (4731) of the code;
 Revision of laws.
 Also, by request—
 s. 139. To secure the payment of the costs in proceedings to keep the peace;
 Revision of laws.
 Also, by request—
 s. 140. To provide compensation to sheriffs for the removal of prisoners from other states to this state;
 Revision of laws.
 Also, by request—
 s. 141. To regulate the disbursements of the fine and forfeiture fund of the different counties of this state;
 Revision of laws.
 Also, by request—
 s. 142. To provide for the payment of costs in criminal cases when the prisoner is discharged on a writ of *habeas corpus*, and when the prisoner is held and discharged on final trial;
 Revision of laws.

Also, by request—
s. 143. To fix the fees of clerks and sheriffs in detainee cases ;

Revision of laws.

Also, by request—

s. 144. To amend section 4865 of the code ;

Revision of laws.

Also, by request—

s. 145. To amend section 4864 of the code ;

Revision of laws.

Mr. Parker—

s. 146. For protecting mines in Alabama ;

Judiciary.

Also,

s. 147. To amend section 3780 (4346) of the code ;

Revision of laws.

REPORTS OF COMMITTEES.

Bills were reported from the committees, and read a second time, as follows :

By Mr. Handley, from finance, favorably,

s. 107. For the relief of Jno. W. Miller, a citizen of Bibb county ;

ii. 71. To fix the compensation of witnesses for the state in all criminal cases in the circuit court of Perry county and before the grand jury of said county, and to prescribe when and how they are to be paid ;

ii. 169. To provide for the disposition of the volumes of Smith's condensed reports, now in possession of the secretary of state.

By Mr. Parks, from revision of laws, favorably,

ii. 105. To amend section 5 of an act entitled an act to create the office of county solicitor for the county of Hale, to provide for the appointment of such county solicitor, and to prescribe his powers and duties, approved February 28th, 1889 ;

ii. 139. For the relief of state witnesses in the counties of Tuscaloosa, Bibb, Chilton, Calhoun, Washington, Crenshaw, Fayette, Lauderdale, Colbert, Chambers, Pike, Cleburne, Etowah, Escambia, Covington, Clay, Lamar, Conecuh, Randolph, Blount, Lawrence, Baldwin, St. Clair, Limestone and Morgan, in cases in which the state fails ;

ii. 142. To make the fees of bonded constables of the coun-

ties of Tuscaloosa, Madison, Jefferson, Etowah, Perry, Franklin, St. Clair, Coosa, Clay, Chambers, Macon, Elmore, Russell-Henry, Colbert, Lee, Dallas, Cherokee, Pickens, Chilton, Calhoun, Walker, Fayette, Bibb, Escambia, Crenshaw, Cleburne, Talladega, Tallapoosa, Morgan, Blount, Pike, DeKalb, Lauderdale, Limestone, Winston, Bullock, Marshall and Lawrence, the same as sheriffs fees when they perform the same, or similar services;

Also, with an amendment,

ii. 161. To amend section 1186 of the code;

Also, favorably,

ii. 163. To amend section 1187 of the code.

By Mr. Lackey, from municipal and county organizations, favorably,

s. 76. To establish a new charter for the town of Roanoke;

ii. 45. To incorporate the Birmingham and Little River Coal Company;

ii. 40. To incorporate the Birmingham Coal Company;

ii. 114. To change and define the corporate limits of Courtland, Alabama, and amending section one of an act, entitled an act to incorporate the town of Courtland, in the county of Lawrence, approved December 16, 1873;

ii. 136. To incorporate the Confederate Association of Alabama;

Also, with an amendment,

ii. 88. For the preservation of game, animals and birds in the county of Walker.

By Mr. Godfrey, from penitentiary, favorably,

s. 92. To amend section 4571 (4546) of the code;

s. 109. To amend section 4533 (5002) of the code.

REPORT OF JOINT COMMITTEE ON INAUGURATION.

The joint committee to which was referred the matter of making arrangements for the inauguration of Governor Jones, submit the following report, to-wit:

They recommend that the inauguration take place on Monday, the 1st proximo, and they have adopted and suggest the following program:

That the procession form on Commerce street, with its head opposite the Exchange Hotel, at 11:30 a. m., on Monday, December 1st, 1890. The line of march will be up Dexter avenue to the capitol.

The order of procession will be as follows :

The military.

1st carriage, Governor and Mrs. Seay, Governor-elect and Mrs. Jones.

2d carriage, president of senate and speaker of house, chairman of joint committee and chaplain.

3rd carriage, joint committee.

4th carriage, judges of the supreme court.

5th carriage, attorney-general, clerk supreme court, marshal supreme court and health officer.

6th carriage, secretary of state, auditor, superintendent of education and treasurer.

7th carriage, commissioner of agriculture, president of the University of Alabama, president of Agricultural and Mechanical College.

8th carriage, inspector of convicts, railroad commission, examiner of public accounts.

9th, mayor of Montgomery and city council in carriages.

The inaugural address will be delivered from the steps of the capitol in the presence of the general assembly, the oath of office to be administered by the chief justice of the supreme court.

Respectfully submitted,

S. D. BLOCH,

J. C. COMPTON,

Committee on part of senate.

A. D. SAYRE,

THOS. K. JONES,

J. A. WATTERS,

Committee on the part of the house.

The senate concurred in the foregoing report.

REPORT OF CONFERENCE COMMITTEE.

Mr. President :

The committee of conference on the disagreeing vote of the two houses on the house joint resolution fixing the time of adjournment for the recess and date of reassembling, have had the same under consideration, and beg leave to report as follows :

That the senate recede from its amendment of the said

house joint resolution, and that the joint resolution as it came from the house, be adopted.

M. L. STANSEL,
 NORFLEET HARRIS,
 JNO. H. PARKER,
 on part of senate.
 J. A. WATERS,
 J. M. AMASON,
 W. H. CLANTON,
 on part of house.

The report was concurred in.

MESSAGE FROM THE HOUSE.

Mr. President:

The house non-concurs in the senate amendment to the bill, H. 70. To authorize the mayor and council of the city of Uniontown to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, bearing six per cent. interest payable semi-annually, for the purpose of erecting or providing said city with waterworks, and for funding the indebtedness of said city;

And has concurred in the joint resolution relative to a recess on Thanksgiving day.

BENJ. F. ELMORE,
 Clerk.

HOUSE MESSAGES.

On motion of Mr. Cowan, the house bill 70. was laid on the table.

BILLS ON THIRD READING.

The bill.

H. 27. To repeal an act entitled an act to amend section 3945 of the code of Alabama, so far as the same applies to the counties of Lowndes, Dallas, Perry, Hale and Wilcox;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Messrs. Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner,

Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Waddell, Williams.—20.

The bill,

ii. 28. To provide for the election of the four county commissioners of Etowah county by the qualified voters of said county, and to prescribe the term of office of said commissioners;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Messrs. Bradley, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Waddell, Wiley, Williams—22.

The bill,

ii. 10. To repeal an act entitled an act for the preservation of game animals and birds in the counties of St. Clair, Lauderdale, Colbert, Marengo, Jefferson, Pike and Covington, so far as the same relates to the county of Covington;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Messrs. Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Waddell, Williams—21.

The bill,

ii. 13. To incorporate the town of Midland City in the county of Dale;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Messrs. Bradley, Berry, Bloch, Cowan, Compton, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Williams—22.

The bill,

s. 48. To repeal section 3210 and to amend sections 3211, 3212, 3214, 3215, 3216 and 3217 of the code, relating to the condemnation of lands for public uses;

Was, on motion of Mr. Stallworth, made a special order for Wednesday next at 12 o'clock, and fifty copies ordered printed.

The bill,

s. 78. To provide for bells at public ferries in Wilcox county;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile,

Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—23.
The bill,

s. 79. To provide for safe and convenient passage of gates across the public highways in Wilcox county;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—26.

MESSAGE FROM THE GOVERNOR.

OFFICE OF THE GOVERNOR,
MONTGOMERY, November 28, 1890.

Mr. President:

I am directed by his excellency, the governor, to communicate to the senate messages in writing.

Respectfully,

J. K. JACKSON,
Private Secretary.

The governor's message was read, as follows:

MONTGOMERY, November 28, 1890.

Gentlemen of the Senate and of the House of Representatives:

In accordance with an act approved February 27th, 1889, the governor, state auditor and attorney-general, assisted by the examiner of public accounts, inquired into the claim of Thos. H. Skinner, and other bondsmen of M. H. McNeil, former tax collector of the county of Marengo, and after giving a full opportunity to all the parties to be heard, no evidence was presented in behalf of the claim, and the board unanimously reported that there was no liability of the state on this account.

The report of the examiner of public accounts on file in this office is referred to for details of this investigation.

Respectfully,

THOS. SEAY.

MESSAGE FROM THE HOUSE.

Mr. President :

I am directed by the house to invite the senate to the hall of the house for the purpose of balloting for a United States Senator.

BEN F. ELMORE,
Clerk.

ELECTION OF UNITED STATES SENATOR.

At twelve o'clock, meridian, in response to the above invitation, and pursuant to the adjournment of the joint convention, the senate proceeded to the hall of the house of representatives to choose by a *viva voce* vote, a United States senator, whose term of office shall begin on March 4th, 1891.

The president of the senate called the joint convention to order, and directed the secretary of the senate to call the roll of the senate, when the following senators answered to their names, being a majority of the senate, viz :

Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stausel, Steagall, Waddell, Wiley, Williams—31.

The speaker of the house then directed the clerk of the house to call the roll of the house, when the* following representatives answered to their names, being a majority of the house of representatives, viz.:

Messrs. Speaker, Adams, Alexander, Almon, Amason of Sumter, Amason of Tallapoosa, Appleton, Armistead, Avery, Ayres, Bain, Barnett, Bass, Bevis, Bishop, Blackwell, Brewer, Brown, Buck, Burford, Clanton, Clayton, Coleman, Cooper, Cornelius, Crews, Cox, Davidson, Davis of Fayette, Davis of Lamar, Davis of Winston, Edwards, Finch, Forman, Foster, Gass, Gilchrist, Gordon, Guthrie, Harrell, Harris, Henry, Hill, Howle, Hufham, Jackson, Johnson, Jones, Judge, Kelly, Kemp, Lane, Langley, Lee of Barbour, Lee of Conecuh, Leigh, Leslie, Lewis, Long, Longshore, Loveless, Meador, Moore of Baldwin, Nolen, Northington, Parker, Parks, Peacock, Pettus, Poole, Powell, Purifoy, Quarles, Rather, Rousseau, Sayre,

Scott, Screws, Simmons, Smaw, Smith of Dallas, Smith of Russell, Sparkman, Steele, Sullivan, Thrasher, Townsend of Limestone, Townsend of Pike, Tucker of Crenshaw, Tucker of Lauderdale, Wade, Watters, Webb, Whatley, White, Wood, Wilson, Young—98.

The president of the senate then announced that a majority of the general assembly of Alabama was present, and that the joint assembly was ready to proceed to choose by a *viva voce* vote of each member present a person for United States senator.

By leave, Mr. Screws withdrew the name of Thos. H. Watts of Montgomery.

By leave, Mr. Adams withdrew the name of Reuben F. Kolb.

The president of the senate then directed the secretary of the senate to call the roll of the senate, and those who voted for James L. Pugh of Barbour, are:

Mr. President, Berry, Bloch, Compton, Davie, Grant, Godfrey, Haralson, Hayes, Inzer, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Steagall, Waddell, Wiley, Williams—21.

And those who voted for Thomas Seay of Hale, are:

Messrs. Bradley, Cowan, Handley, Harris of Hale, Humbley, Lackey, Minge, Nesmith, Smith of Mobile, Stansel—10.

The speaker of the house then directed the clerk of the house to call the roll of the house, and those of the house who voted for James L. Pugh of Barbour, are:

Mr. Speaker, Adams, Alexander, Almon, Amason of Tallapoosa, Appleton, Armistead, Ayres, Barnett, Bass, Brewer, Buck, Burford, Clayton, Coleman, Cooper, Cornelius, Crews, Cox, Davidson, Davis of Lamar, Edwards, Fornan, Foster, Gilchrist, Gordon, Harrell, Harris, Henry, Hill, Howle, Huffham, Jackson, Kelly, Kemp, Langley, Lee of Barbour, Lee of Conecuh, Lewis, Long, Longshore, Loveless, Meador, Moore of Baldwin, Nolen, Northington, Parker, Poole, Powell, Purifoy, Quarles, Ransay, Rather, Ronssean, Sayre, Scott, Screws, Simmons, Smith of Russell, Steele, Sullivan, Townsend of Pike, Tucker of Crenshaw, Wade, Watters, Whatley, White, Wood, Young—69.

And, those of the house who voted for Thomas Seay of Hale, are:

Messrs. Amason of Smnter, Avery, Bain, Bevis, Bishop, Blackwell, Brown, Clanton, Davis of Fayette, Davis of Win-

ston, Finch, Gass, Guthrie, Johnson, Jones, Judge, Lane, Leigh, Parks, Peacock, Pettus, Smaw, Smith of Dallas, Sparkman, Thrasher, Townsend of Limestone, Tucker of Lauderdale, Webb, Wilson.—29.

The president of the senate then declared that there had been cast 129 votes, and of this number that Mr. Pugh of Barbour had received ninety votes, and Mr. Seay had received thirty-nine.

The speaker of the house then declared that James L. Pugh of Barbour having received a majority of all the votes cast in the joint convention of the two houses, was legally and constitutionally elected a senator to represent the state of Alabama in the congress of the United States for the term of six years, beginning on the 4th day of March, 1891.

On motion of Mr. Adams, the president of the senate appointed Messrs. Adams, Avery and Screws a committee to notify Mr. Pugh of his election, and invite him to address the general assembly.

The committee conducted Mr. Pugh to the speaker's desk, and he addressed the joint convention.

At the conclusion of his address the joint convention dissolved, and the senate returned to its chamber.

ADJOURNMENT.

And, at 1:10 o'clock p. m., on motion of Mr. Haralson, the senate adjourned.

SIXTEENTH DAY.

SATURDAY, November 29, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Thompson of the city.

Present—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams.—26.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Minge for one day.

ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled :

s. 22. To provide for the compensation of state witnesses in Mobile county.

s. 21. To dispose of the fine and forfeiture fund in Mobile county, and to provide for the payment of all claims which are by law a charge against said fund.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested :

ii. 76. To amend section 4816 (vol. II) of the code of Alabama.

ii. 83. To amend rule 4 of chancery practice, page 811, code of Alabama.

ii. 100. To legalize the marriage of James A. Tindell and Winnine O. Tindell, the widow of Samuel Tindell, now deceased, the uncle of the said James A. Tindell, of Dale county, Alabama.

ii. 108. To fill the vacancy caused by the death of John Swann, one of the trustees under the act, approved February 23, 1876.

BENJ. F. ELMORE, Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills set out in the foregoing report of enrolled bills and house message.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Inzer—

s. 148. To provide for the service of process upon domestic corporations by publication, where return of "not found" is made by the sheriff;

Judiciary.

Also,

s. 149. To authorize courts of law in certain cases in pending suits to appoint administrators *ad litem*;

Judiciary.

By Mr. Stallworth—

s. 150. To provide for the holding of the circuit courts in the counties of Covington, Conecuh, Pike and Crenshaw;

Judiciary.

By Mr. Reynolds—

s. 151. To amend an act entitled an act to amend sections 762 and 763 of the code of 1886, relating to the summoning of constables to attend and wait upon the sittings of the circuit court of this state, approved February 28, 1889;

Judiciary.

Mr. Godfrey—

s. 152. To provide for the sale under execution attachment, decree of a court of record, or other judicial process, of the right of redemption of real estate sold under execution, decree, mortgage, or deed of trust;

Judiciary.

Also,

s. 153. To amend section 1892 of the code;

Revision of laws.

Also,

s. 154. To amend section 3216 of the code;

Revision of laws.

Also,

s. 155. To amend sections 3489, 3490, 3491, 3492, 3493, 3494, 3495 of the code;

Judiciary.

Also,

s. 156. To enable partners to sue in the firm name;

Judiciary.

Also,

s. 157. To limit the time within which minors may repudiate their deeds and contracts after reaching their majority;
Judiciary.

By Mr. Smith of Mobile—

s. 158. To ratify and confirm the reorganization of the Peoples Savings Bank as the "People Bank," and to declare the powers and term of life of the "Peoples Bank;"
Municipal and county organizations.

Also,

s. 159. To amend section 2590 of the code of Alabama;
Revision of laws.

By Mr. Haralson—

s. 160. To provide for an additional judge of the supreme court of Alabama;
Judiciary.

By Mr. Stallworth—

s. 161. To amend an act entitled an act to establish a new charter for the town of Evergreen, approved February 5th, 1881;
Municipal and county organizations.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills:

n. 166. To amend section 128 of the code of 1886.

n. 141. To increase the jurisdiction of justices of the peace in Tuskaloosa, Blount, Crenshaw, Fayette, Cherokee, Macon, Morgan and Chilton counties.

And has concurred in the report of the conference committee with reference to recess and reassembling of the general assembly.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, in the foregoing message, were severally read a first time and referred to appropriate committees, as follows:

n. 166, to judiciary.

n. 141, to local legislation.

REPORTS OF COMMITTEES.

Bills were reported from committees and read a second time, as follows:

By Mr. Handley, from finance, favorably,

s. 90. For the relief of C. D. Martin and others.

s. 96. To prescribe the duties and provide for the compensation of the county solicitors of Talladega county.

Mr. Parks, from revision of laws, favorably, with an amendment,

s. 110. To amend sections 19 and 20 of the code of Alabama of 1886.

Mr. Cowan, from temperance, favorably, with an amendment.

n. 170. To prohibit the sale, giving away or otherwise disposing of intoxicating liquors within one half ($\frac{1}{2}$) mile in every direction of Bethel church at Adams Cotton Mills near the city of Montgomery.

MESSAGE FROM THE GOVERNOR.

OFFICE OF THE GOVERNOR,

MONTGOMERY, November 29, 1890.

Mr. President:

I am directed by his excellency, the governor, to communicate to the senate messages in writing, with accompanying document.

J. K. JACKSON,

Private Secretary.

The governor's messages were read, as follows:

OFFICE OF THE GOVERNOR,

MONTGOMERY, November 29, 1890.

Gentlemen of the Senate and of the House of Representatives:

In accordance with section 12, of article 5, of the constitution of this state, I herewith send you a list of all cases of reprieves, commutations and pardons granted since the 17th day of November, 1888, together with my reasons therefor.

This list does not include those convicts from whose sentence a deduction has been made from term of punishment by the governor, on report by the inspectors, of good conduct, as provided by section 4533 of the code. A statement of these may be found on file in the office of the secretary of state, and of course the reason for the deduction in each case is the alleged good conduct of the convict.

Respectfully,
THOS. SEAY.

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALABAMA,
NOVEMBER 29, 1890.

Gentlemen of the Senate and of the House of Representatives:

Since the adjournment of the general assembly in February, 1889, I have to report, in compliance with section 21 of an act,

"To ratify and confirm the settlement of the existing indebtedness of this state, as proposed in the report of the commissioners appointed under the act approved 17th December, 1874, and which was communicated to the general assembly by message of the governor of 24th January, 1876, and to carry said settlement into effect by the issuance of new bonds of this state, at a reduced rate of interest, in adjustment of a portion of said indebtedness, and the surrender of certain securities held by the state in discharge of another portion of said indebtedness," approved February 23d, 1876, the following bond exchanges:

On March 4th, 1889, I took up and cancelled thirteen bonds, numbered from 126 to 138, both inclusive, for 225 pounds, having June, 1875, coupon attached, and issued under an act approved February 17, 1870, together with scrip for \$95.00; and issued in lieu thereof 28 class "A" bonds, with July, 1889, coupons attached, of \$500.00 each, numbered 7370 to 7397, both inclusive, and 3 class "A" bonds, with July, 1889, coupon on of \$100.00 each, numbered 9159, 9160 and 9161, together with scrip for \$30.00 to balance.

On the 18th of March, 1889, I took up and cancelled one bond, number 51, with January, 1867, coupon attached, issued under act of December 15th, 1865, for \$100.00, and issued in

lien thereof one class "A" bond, with July, 1889, coupon attached, numbered 9162, and for \$100.00.

On April 16th, 1889, I took up and cancelled one Alabama & Chattanooga endorsed bond, number 794, with July, 1872, coupon attached, for \$1000.00, and issued in lieu thereof scrip of that date for \$191.24.

On the 18th of April, 1889, for ten Alabama & Chattanooga endorsed bonds, numbered 291, 294, 295, 296, 354, 355, 358, 398, 399 and 609, with July, 1872, coupon attached, of \$1000.00 each, and \$553.00 in scrip of date October 4th, 1886, I issued 2 class "C" bonds, numbered 966 and 967, with January, 1890, coupon on for \$1000.00 each, and \$465.40 in scrip.

On the 26th of April, 1889, in lieu of four A. & C. endorsed bonds of \$1000.00 each, numbered 2915, 2963 and 4693 (with July, 1873, coupon), and 1252 (July, 1872, coupon), and scrip for \$82.60, dated August 12th, 1887; for \$147.40 dated October 26th, 1887; for \$191.24, dated April 17th, 1889, which were taken up and cancelled, I issued one class "C" bond, number 968, for \$1000.00, with January, 1890, coupon attached, and scrip for \$166.76.

On March 11th, 1889, I took up and cancelled four bonds, numbered 32, 33, 34 and 35 for \$1000.00 each, with September, 1873, coupon attached, of the act of February 25th, 1873, and issued in lieu thereof eight class "A" bonds of \$500.00 each, numbered 7398 to 7405, both inclusive, with July, 1889, coupons.

Three A. & C. endorsed bonds, numbered 194, 195 and 196, with July, 1872, coupons attached, of \$1000.00 each, and scrip for \$465.40 of date April 22d, 1889, were, on the 22d of August, 1889, taken up and cancelled, and I issued in lieu thereof one class "C" bond, No. 969, for \$1000.00, with January, 1890, coupon attached, and scrip for \$39.12.

For one five per cent. stock certificate, numbered 1545 for \$1000.00, with November, 1873, coupon attached, issued under act 18th January, 1866, and two five per cent. stock certificates of \$100 each, numbered 432 and 433, with November, 1873, coupons, issued under acts December 15, 1865, and Feb. 13, 1866, which were on the 15th May, 1890, taken up and cancelled, I issued two class "A" bonds, numbered 7406 and 7407 of \$500.00 each, with January, 1891, coupon attached, and two, numbered 9163 and 9164, of \$100.00 each, bearing same coupons.

On the 19th of August, 1890, I took up and cancelled four

bonds of \$500.00 each, numbered 162, 163, 165 and 169, with January, 1874, coupons, issued under act August 12th, 1868; bond number 186 for \$1000.00 of act of December 15th, 1865, and fourteen bonds of \$500.00 each, numbered 6, 7, 8, 9, 10, 12, 13, 14, 15, 25, 26, 27, 28 and 29 of act December 15, 1865, with January, 1874, coupons attached, issuing in lieu thereof 20 class "A" bonds, with January, 1891, coupons attached, for \$500.00 each, numbered from 7408 to 7427, both inclusive.

It is with pleasure that I call your attention to my special message of February 21st, 1889, wherein I referred to an error against the state in the exchange of certain bonds for Hollgarten & Co., on June 20th, 1879. I then stated to you that I was informed that the loss to the state would be made good.

I now report, without application for relief ever having been made, the amount due the state, principal and interest, to-wit, \$1350.00, has been covered into the treasury.

Finally I direct your attention to section 15 of an act approved February 28th, 1887, which instructs the governor to insure the state treasurer for one hundred thousand dollars in such guaranty or indemnity company as he might select. I have made assiduous effort to accomplish this guaranty, but have not succeeded in doing so.

The watchfulness and fidelity of the present state treasurer is an assurance for the security of the funds, but I am of the opinion that the policy of causing the money in the treasury to be secured by guaranty companies is a good one, and that the efforts to secure the insurance should be continued and in an amount sufficient to cover the money in the treasury.

Respectfully,

THOS. SEAY.

The governor's message with regard to commutations, reprieves and pardons was referred to the joint committee on printing.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed, n. 333. To incorporate the city of Girard, in Russell county;

And has ordered the same to the senate without engrossment.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bill (H. 333) in the foregoing message was read a first time and referred to the committee on county and municipal organizations.

At 12 o'clock the senate proceeded to consider the

SPECIAL ORDER,

Which was the bill,

s. 93. To amend section 4641 of the code.

Mr. Skeggs offered an amendment, which was adopted, as follows:

Amend by striking out the words "either" and "or by," in the 13th line, and the words, "or by contract made privately," in the 13th and 14th lines of bill, 2nd page.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—23.

EXECUTIVE SESSION.

At 12:15 o'clock, p. m., the senate went into executive session.

At 12:30 p. m., the executive session being dissolved, the doors were opened, and the senate resumed the consideration of the regular order of business.

BILLS ON THIRD READING.

The bill,

s. 83. To provide for the humane killing of animals so maimed or crippled by railroad locomotives or cars, as to be unable to procure food or drink for themselves;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Handley, Harris of Hale, Hayes, Inzer, Lackey, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—21.

The bill,

s. 85. To provide for destroying abandoned diseased or injured animals ;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall—21.

The bill,

s. 84. To prevent the abandonment of maimed, diseased, disabled or infirm animals by their owners or custodians ;

Was taken up.

Mr. Skeggs offered an amendment, which was adopted, as follows :

Strike out “or infirm,” and insert “infirm, or dead,” before “animals,” in caption and body of bill, and insert the words, “or dead,” after the word “disabled,” where it occurs.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

s. 97. To prohibit the sale, or other disposition of all intoxicating liquors or other intoxicating beverages at or within five miles of Brockwood, in Tuskalooosa county ;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—22.

The bill,

s. 104. To prevent the sale of spirituous, vinous, and malt liquors within three miles of Big Creek Baptist Church, or within Memphis beat No. 20, in Pickens county ;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—23.

The bill,

s. 66. To constitute the city of Anniston a separate school district and to provide a board of education therefor ;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

The bill was ordered to the house forthwith without engrossment.

The bill,

s. 72. To incorporate "The City School Board of Selma;"

Was read a third time and passed—yeas 20 nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Godfrey, Handley, Haralson, Harris of Hale, Inzer, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

s. 107. For the relief of Jno. W. Miller, a citizen of Bibb county;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Inzer, Lackey, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—21.

The bill,

ii. 71. To fix the compensation of witnesses for the state in all criminal cases in the circuit court of Perry county and before the grand jury of said county and to prescribe when and how they are to be paid;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

ii. 169. To provide for the disposition of the volumes of Smith's Condensed Reports now in possession of the secretary of state;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

H. 105. To amend section 5 of an act entitled an act to create the office of county solicitor for the county of Hale, to provide for the appointment of such county solicitor and to prescribe his powers and duties, approved February, 28, 1889.

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

H. 142. To make the fees of bonded constables in the counties of Tuskaloosa, Madison, Jefferson, Etowah, Perry, Franklin, St. Clair, Coosa, Clay, Chambers, Macon, Elmore, Russell, Henry, Colbert, Lee, Dallas, Cherokee, Pickens, Chilton, Calhoun, Walker, Fayette, Bibb, Escambia, Crenshaw, Cleburne, Talladega, Tallapoosa, Morgan, Blount, Pike, DeKalb, Lauderdale, Limestone, Winston, Bullock, Marshall and Lawrence, the same as sheriff's fees when they perform the same or similar services ;

Was read a third time and passed—yeas 22, nays 1.

Yeas—Mr. President, Bradley, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—22.

Mr. Skeggs voted no.

On motion of Mr. Bloch, the vote by which the bill passed was reconsidered ; also, the vote ordering the bill to a third reading.

On motion of Mr. Bloch, the following amendment was adopted, viz : Amend by including the counties of Wilcox and Baldwin within the provisions of the bill.

The bill was read a third time and passed—yeas 18, nays 3.

Yeas—Messrs. Bloch, Cowan, Compton, Grant, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Steagall, Williams—18.

Nays : Messrs. Skeggs, Stallworth and Stansel—3.

The bill,

H. 161. To amend section 1186 of the code ;

Was taken up, and the pending amendment was adopted, as follows :

Insert after section 1186, in bill, the words, "what unlawful in buying cotton."

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

n. 163. To amend section 1187 of the code;

Was taken up.

Mr. Haralson offered an amendment, which was adopted, as follows:

Add after "1187," the words, "penalty for making deductions, etc."

The bill was read a third time and passed—yeas 25, nays 0.

Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—25.

The bill,

s. 76. To establish a new charter for the town of Roanoke;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

n. 45. To incorporate the Birmingham and Little River Coal Company;

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Inzer, Lackey, Milner, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall—18.

The bill,

n. 40. To incorporate the Birmingham Coal Company;

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Inzer, Lackey, Milner, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall—18.

The bill,

n. 114. To change and define the corporate limits of Courtland, Alabama, and amending section one of an act, entitled an act to incorporate the town of Courtland, in the county of Lawrence, approved December 16, 1873;

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall—19.

The bill;

n. 136. To incorporate the Confederate Association of Alabama;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—21.

The bill,

n. 88. For the preservation of game, animals and birds in the county of Walker;

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

RESOLUTION.

By leave, Mr. Smith of Mobile offered a resolution, which was adopted, as follows:

Resolved, That the committee on rules are hereby instructed to inquire into the effect on a pending measure of a failure of a quorum of the senate to vote thereon and to report, if it shall seem proper, a rule to govern in such cases.

ADJOURNMENT.

At 2 o'clock, p. m., on motion of Mr. Skeggs, the senate adjourned.

SEVENTEENTH DAY.

MONDAY, Dec. 1, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Wharton, of the city.

Present—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—23.

The journal of Saturday was approved without being read.

LEAVES OF ABSENCE.

Leaves of absence were granted to Mr. Handley for two days and to Mr. Wiley for the day.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows :

By Mr. Haralson—

s. 162. To provide for the appointment of a solicitor for the county of DeKalb and prescribe his powers and duties ;

Local legislation.

By Mr. Inzer—

s. 163. To authorize and empower the governor of Alabama to issue a patent to the heirs of John Henderson, deceased, to the north-west fourth of the north-east fourth and the north-east fourth of the north-west fourth of section sixteen, township eighteen, of range five, east, in Talladega county ;

Education.

By Mr. Godfrey—

s. 164. To amend section 2508 of the code ;

Judiciary.

Also,

s. 165. To define the meaning of the word "homestead" as used in section 2508 of the code ;

Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is required, viz :

ii. 10. To repeal an act entitled an act for the preservation of game animals and birds in the counties of St. Clair, Lauderdale, Colbert, Marengo, Jefferson, Pike and Covington, so far as the same relates to the county of Covington.

ii. 27. To repeal an act entitled an act to amend section 3945 of the Code of Alabama, so far as the same applies to the counties of Lowndes, Dallas, Perry, Hale and Wilcox.

ii. 28. To provide for the election of the four county commissioners of Etowah county by the qualified voters of said county, and to prescribe the term of office of said commissioners.

B. F. ELMORE,

Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills set out in the foregoing house message.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has amended, as therein shown, and, as amended, has passed the bill,

s. 36. To make the office of commissioner of agriculture elective;

And has adopted the report of the joint committee with reference to the inaugural ceremonies;

And has adopted the resolution herewith sent relative to the inauguration of the governor.

B. F. ELMORE,

Clerk.

HOUSE MESSAGES.

The senate bill 36, with the house amendment thereto, was made a special order for Thursday next, at 12 o'clock.

The house joint resolution was concurred in.

BILLS ON SECOND READING.

Bills were reported from the committees, and read a second time, as follows:

By Mr. Compton, from judiciary, favorably,

s. 150. To provide for the holding of the circuit courts in the counties of Covington, Conecuh, Pike and Butler.

By Mr. Lackey, from municipal and county organizations, favorably,

s. 158. To ratify and confirm the re-organization of the People's Savings Bank as the People's Bank, and to declare the powers and term of life of the People's Bank;

s. 161. To amend section one of an act entitled an act to establish a new charter for the town of Evergreen in Conecuh county, approved February 5th, 1881.

BILLS ON THIRD READING.

The bill,

s. 110. To amend sections 19 and 20 of the code of Alabama;

Was taken up.

The pending amendment was adopted, as follows:

Amend by inserting after the word "lands," on page one, line 27 of the bill, the words "or rights of way."

Amend by inserting after the word "lands," on page one, line 31 of the bill, the words "or rights of way."

Amend by inserting after the words "lands" on page two, line three of the bill, the words "or rights of way."

Amend by inserting after the word "lands," on page two, line 10 of the bill, the words "or rights of way."

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Cowan, Compton, Grant, Godfrey, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—24.

The bill,

s. 90. For the relief of C. D. Martin and others :

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Cowan, Compton, Grant, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—21.

The bill,

s. 96. To prescribe the duties and provide for the compensation of the county solicitor of Talladega county ;

Was read a third time and passed—yeas 18, nays 1.

Yeas—Mr. President, Cowan, Compton, Godfrey, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—18.

Mr. Minge voted no.

The bill,

n. 170. To prohibit the sale, giving away, or otherwise disposing of intoxicating liquors within one-half ($\frac{1}{2}$) mile in every direction of Bethel church at Adams Cotton Mills, near the city of Montgomery ;

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Messrs. Cowan, Compton, Grant, Godfrey, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

RECESS.

At 11:15 o'clock a. m., on motion of Mr. Compton, the senate took a recess till 11:45 o'clock a. m.

And at 11:45 the senate reconvened.

MESSAGE FROM THE HOUSE.

Mr. President :

I am directed by the house to invite the senate into the hall of the house pursuant to a joint resolution heretofore adopted

BENJ. F. ELMORE, Clerk.

INAUGURAL CEREMONIES.

In pursuance of the joint resolution the senate proceeded to the hall of the house of representatives to witness the inauguration of Thomas G. Jones as governor of the state of Alabama.

The joint convention was called to order by the president of the senate (Mr. Godfrey presiding), who directed the secretary of the senate to call the roll of the senate, when the following senators answered to their names, viz :

Messrs. Compton, Grant, Godfrey, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—22.

And the speaker of the house directed the clerk of the house to call the roll of the house, when the following representatives answered to their names, viz :

Messrs. Speaker, Adams, Alexander, Almon, Amason of Sumter, Amason of Tallapoosa, Appleton, Armistead, Avery, Ayres, Bain, Barnett, Bass, Bevis, Bishop, Blackwell, Brewer, Brown, Buck, Burford, Clanton, Clayton, Coleman, Cooper, Cornelius, Crews, Cox, Davidson, Davis of Fayette, Davis of Lamar, Davis of Winston, Edwards, Finch, Forman, Foster, Gass, Gilchrist, Gordon, Guthrie, Harrell, Harris, Henry, Hill, Howle, Hufham, Jackson, Johnson, Jones, Judge, Kemp, Lane, Langley, Lee of Barbour, Lee of Conecuh, Leigh, Leslie, Lewis, Long, Longshore, Loveless, Meador, Moore of Baldwin, Nolen, Northington, Parker, Parks, Peacock, Pettus, Poole, Powell, Purifoy, Quarles, Ramsay, Rather, Rousseau, Sayre, Scott, Screws, Simmons, Smaw, Smith of Dallas, Smith of Russell, Sparkman, Steele, Sullivan, Thrasher, Townsend of Limestone, Townsend of Pike, Tucker of Crenshaw, Tucker of Lauderdale, Wade, Watters, Webb, Whatley, White, Wood, Wilson, Young—98.

The president of the senate, then, stated that the purpose of the joint convention was to witness the inauguration of Thomas G. Jones as governor of Alabama.

The two houses of the general assembly then proceeded in a body to the steps fronting the capitol, where the president of the senate introduced the Rev. Dr. Horace Stringfellow of Montgomery, who opened the inaugural ceremonies with prayer.

Governor Thomas Seay then introduced Thomas G. Jones, the governor-elect, who delivered the following

INAUGURAL ADDRESS :

Gentlemen of the General Assembly and Fellow-Citizens:

About to be invested with "the supreme executive power" of Alabama—in the presence of this vast assemblage of my fellow citizens—on this historic spot, hallowed by so many heroic memories, where the conscious air yet thrills with the words of eminent men who, in strange and stormy vicissitudes in times past, have been here consecrated to the service of the State—all things bring home to me an abiding sense of the responsibility of this exalted trust, and speak in infinite ways more solemn admonition to my heart and mind than august ceremonies or official oath.

Deeply mindful of my own inability to meet all its far-reaching requirements, I earnestly invoke the hearty aid of all other public servants, the sustaining confidence and considerate judgment of a just people, and the favors of an All-Wise Providence.

THE PEOPLE'S DUTY.

While these periodical changes of their servants by the people teach significant lessons to those in power, they ought not to be without deep meaning to the people themselves.

The people's government is what the people make it. Its strength and its weakness come up from the people to the government; but seldom go down from the government to the people. The ballot is as sacred a trust as any office it can confer. If, as is our faith, government instituted and administered by the people for their own ends is wisest and best, surely active interest and share in its concerns are high and never ending duties of every citizen.

A free people cannot too strongly combat the false idea, which causes thousands of citizens to shirk their political duties, that active participation in the affairs of government is debasing, and that the citizen cannot concern himself therewith without being defiled. No man can escape a duty honorable in itself, which he can fitly perform, because others having like duties do not discharge theirs to his satisfaction. Instead of finding excuses for abdicating the noblest functions of freemen, let them rather turn with earnest purpose and steady hand to root out every evil which brings reproach upon the conduct of public affairs. The work cannot be done in

a day; but the end is sure, if the people will throng in and "make their voices heard, and become partakers of the councils of state."

With these principles in the abstract no one will find fault; and I deem it not inappropriate here to discuss their application to a great public evil.

THE REPRESENTATIVE SHOULD VOTE OPENLY.

The surest safeguard for good government is in the people's power to call their servants to account. That they may be able to do this intelligently and justly, the people demand to know what their representatives do, and that their acts shall be done openly. They value and cling to the right to call individuals as well as parties to account. For the preservation of this right they have long since passed statutes and ordained in constitutions, that "all elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be *viva voce*." The constitution is careful to preserve the secrecy of the individual ballot, and is as equally emphatic in declaring that the representative shall not vote by ballot at all. The individual casts his own vote, the representative casts the vote of the people. Yet year after year, in college boards, town councils, and legislative assemblies, the spirit and purpose of this command has been defied and set at naught, by means of the secret ballot cast by the people's representative in a preliminary caucus, whose will is merely registered by the *viva voce* vote in the legal election. The legal election thus becomes nothing but form, and the voting by secret ballot in the caucus becomes the real "election." The spirit and aims of the constitution are as effectually defeated, as if the people themselves had solemnly repealed it. The *viva voce* vote in the legal election does not disclose, but often hides his individual share in the choice of the officer selected to take part in the conduct of the government. His constituent may look on in the caucus which is open, but the ballot cast is secret; and he cannot know whether the representative expresses his will or for whom he votes. That remains hidden from the people, a private secret in the representative's breast, unless divulged as matter of favor to those entitled to demand it of right. As long as the practice lives, responsibility to the people is but a fiction, and its ill effects march far beyond.

It strikes down the sacred right of instruction; for what is

it worth if the people cannot know whether their commands have been obeyed? It tempts to deception, for it furnishes an easy mode to the timid of offending none by a vote known only to him who casts it. It is a convenient cover for fraud on the part of the unscrupulous; for it enables him to obtain votes in return for votes he never cast, secure in the consciousness that his shame will be hidden in the folded ballot. It subjects to suspicion and distrust both him who keeps and him who breaks the faith; for when the result of the secret ballot discloses the false promises, the betrayed knows not where to charge the fault. It defeats the will of the people in many ways, and is a fruitful training school for timidity and duplicity in the discharge of public duties. The poisonous atmosphere it generates is breathed, in their formative stages of public service, by the men who in the future become governors, judges and legislators, and fill other high places in the service of the state, and represent it in the halls of congress.

THE LIMITS OF LEGISLATION.

Subject to the exceptions expressed or implied in state and federal constitutions, the whole unbounded legislative power of the people of Alabama resides in the general assembly. Bound by the constitution "to recommend such measures as he may deem expedient," and to approve or disapprove all legislation, the executive, though not of the legislative department, is a sharer in its great tasks. Thoughts of mine are not needed to impress upon the people's representatives the importance and dignity of this great trust, but some words of another, crystalized from the wisdom of the past, may be here appropriately recalled to those who are to make the people's laws.

"These are the bounds which the trust that is put in them by society and the law have set to the legislative power of every commonwealth in all forms of government. *First.* They are to govern by promulgated and established laws, not to be varied in particular cases, but to have one rule for rich and poor, for favorite at court and country-man at plow. *Secondly.* These laws also ought to be designed for no other end ultimately but the good of the whole people. *Thirdly.* They must not raise taxes on the property of the people without the consent of the people given by themselves or their deputies. *Fourthly.* The legislative neither must nor can

transfer the power of making laws to anybody else, or place it anywhere but where the people have."

Statutes produce nothing. They enrich no man or community, save as they take from one and give to another. The fireside, the school house, and the church, are generally surer guardians of the moral weal of the people than legislative commands. A legislative enactment unsupported by a sustaining public opinion, is an expression of the will of the representatives and not of the people, and lacking that vital element of all law, will surely fail of enforcement or practical good. The surest safeguard of the people against oppression is that the law should bind equally him who makes, and him who executes, and him who expounds it. This safeguard is torn away when classes or individuals are singled out for partial or proscriptive rules, which do not bind the rest of the community under like circumstances.

We should not lightly change laws approved by the wisdom and experience of our fathers; neither ought we to give blind adhesion to all their doings, or venerate their mistakes; for each age and generation has problems of its own which it, and it alone, can solve.

The public servant who fails to act as his conscience dictates, for fear that considerations which commend themselves to him will not meet the approval of the people, mistrusts those who trust him; and in setting up higher standards of right and morality for himself than he accords to the people, the representative often unwittingly, betrays their best interests.

NEEDED AMENPMENTS TO THE CONSTITUTION.

The constitution of 1868 blossomed from force, and ripened by an act of congress. These incurable defects, not to speak of others, necessitated the constitution of 1875, which was the free act of the people of Alabama. Conditions have changed vastly since then, and now press against many of the restrictions of that constitution. The state, like a young tree protected by an iron frame, has grown until it must burst its bands, or cease to have healthy life.

The constitution allows only fifty legislative days every two years—or twenty-five legislative days a year—to do the vast and important work of legislating for over fifteen hundred thousand people, who dwell in a rich and growing state, with

diversified industries and pursuits, which constantly present new and perplexing problems. Is this a wise provision? A glance at the practical working of legislation will leave no doubt as to the answer.

If proper time be given committees to digest their work, six hours is as long on an average as the general assembly can profitably sit each day. The prayer at the opening of the sitting, the calling of the roll, reading and approving the journal and granting leaves of absence, necessarily consume about an hour each day. Every law must be read at length on its final passage and passed by a yea and nay vote, and many bills are read at length which are defeated by a similar vote. Amendments by either house must be concurred in by the other by a yea and nay vote. The first day of the session is consumed in organization. Another day is necessarily occupied in counting the vote for state officers, balloting for other officers, and necessary inauguration ceremonies. One-tenth of the members present may demand the yeas and nays on any question. Much time is necessarily taken up in the introduction of bills and resolutions and the reading of reports. The necessity for calling the roll and for a yea and nay vote is constant and sometimes occurs a thousand times during the session. Each call consumes over three minutes, a consumption of fifty hours' time at each biennial session. Estimating six hours a day as the average sitting of the legislature, and bearing in mind the other matters besides debate which consume time, it is entirely safe to say that at each session the peoples' representatives have not more than one hundred and fifty hours in every two years, or seventy-five hours each year in which to discuss all the legislation affecting this commonwealth. Debate such as springs up on the convict, revenue or schools laws, or other matter of importance, sometimes occupies several days. It is impossible to have free and proper discussion of the general legislation, or to scrutinize with any care the innumerable local interests which demand recognition, and push out the general measures of greater importance. The result is that much legislation is crude and hasty, and that many subjects deserving attention cannot be considered at all. This is a great hinderance to the prosperity of our state.

The constitution should be amended so as to give greater time for legislative work. If biennial sessions are adhered to, the session should be lengthened at least fifty days more. It would be better still to pay the members of the general as-

sembly a fair salary, and leave the length of the session to their discretion.

The legislature cannot authorize the people to levy local taxation for the benefit of the public schools except in cities and towns. There is an urgent demand from the people for power to levy such local taxation. The constitution should be so amended as to authorize the general assembly to grant this power to localities under reasonable regulations and limitations which will promote the welfare of the schools, and at the same time not subject property to extravagant burdens.

The people in some portions of the state desire authority to levy additional taxes for the betterment of the public roads, and other public improvements. An amendment for this purpose would enable those who are willing to do so to tax themselves, while it would not affect other communities which do not desire to avail themselves of the power.

The constitutional provision in reference to local and private legislation has not had the construction and effect intended by the framers of that instrument. The evils at which it is levelled are apparent, and need not be here elaborated. The amendment on this subject proposed by the general assembly Feb. 28th, 1887, was drawn with much care, after consultation with many of the wisest and best men in the state. It concedes that it may not be wise to prohibit local legislation altogether and attempt to provide for it by general laws. It regulates the legislative power only by limiting the time within which such bills should be introduced and passed. This is perhaps the best solution of the question.

The constitution provides in substance, that the state shall not continue or create any state office for the inspection or measuring any merchandise, manufacture or commodity, but that municipal governments may do so. This provision prevents the legislature from enforcing wise measures for preventing the adulteration of food and liquors, as in many localities the amount of work to be performed is not sufficient to pay the salary of an inspector, and these necessarily go without the protection which would be afforded, if the state could appoint the officer who could serve in more than one county.

Reform in our judicial system, changing the time of residence required as a qualification for voters, and other like amendments, are also well worthy of consideration. A joint committee on the part of the two houses, with authority to sit during recess and take into consideration the whole subject of

amendment to the constitution, would greatly facilitate the work of the legislature on these important subjects.

It is not statesmanship or wisdom to attempt that which we have not the means to carry out. Nothing is here said in reference to reform in the suffrage by property or educational qualifications. Pretermittting any discussion of its wisdom, it is not thought the people would adopt any amendment making property a qualification for suffrage or office. As to an educational qualification, there is wider divergence of opinion; but when we remember that, by the last census, there were over twenty thousand white voters who could not read or write—many of whom have borne arms in defense of the state—it is hardly reasonable to expect them to submit to disfranchisement, to disbar negroes who can not read or write, from participation in the government. Any attempt at this time to make a change in this direction would bring divisions among our people, and would be productive of haru.

AN UNWISE AMENDMENT.

The constitution wisely declares that the "general assembly shall establish, organize and maintain a system of public schools throughout the state, for the equal benefit of children between the ages of seven and twenty-one years, but separate schools shall be provided for the children of citizens of African descent."

That Alabama has honestly and heroically performed this duty is known to all men. The state had hardly begun to emerge from the desolation of war and misrule before it commenced to pare down all other departments of government to an extent inconsistent with effective existence, in order that the schools might be fostered and increased. For some years past nearly one-half of the entire general revenue of the state has been devoted to that purpose, to say nothing of the funds raised by cities and towns and private subscriptions.

Separate schools are demanded alike by the constitution and the holiest instincts of our nature, but great hardship has resulted in the apportionment of the present scant funds in communities where there is a great preponderance of the children of one race over those of the other. For this condition of things there is no effective remedy except a sufficiency of school money to educate all. There is a strong, popular demand that the amount appropriated by the state for public

schools shall be supplemented by local taxation, but unless the amount furnished by the state and the local taxation will give a sufficiency for all the children, the evils referred to do not entirely disappear, and various propositions have been discussed looking towards a remedy for them.

A remedy often proposed and now pending in the general assembly, is an amendment of the state constitution authorizing local taxation for schools, coupled with the condition that such taxes paid by whites shall go exclusively to the support of schools for the whites, and that taxes paid by blacks shall go exclusively to the support of schools for the blacks.

The XIV amendment to the constitution of the United States declares: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law: nor deny to any person within its jurisdiction the equal protection of the laws."

It is putting it mildly to say that at least 95 per cent. of all the taxable property in Alabama is owned by the whites, and 5 per cent. if that much, is owned by the blacks. The proposed amendment, is therefore, that the state devote nineteen times more money to the education of the whites than it does to the blacks, out of any funds raised by local taxation for the support of public schools. This distinction in the benefits of a government, in which both races are citizens, is made on account of race.

Repeated decisions of the supreme court of the United States declare that the purpose and effect of the XIV amendment are to prohibit the state from discriminating on account of race in the rights accorded to its citizens. Indeed it has frequently been said by that court that "it is one of a series of provisions, having a common purpose to secure to the negroes all the civil rights which the superior race can enjoy." Conceding that the XIV amendment could not directly create or confer any right on any child to attend the public schools of the state, or to compel a state to maintain any system of public schools, its inevitable effect is that when such schools are maintained, there can be no discrimination in the measure of benefits accorded to each race.

Similar decisions have been often made by state courts of

great authority. The supreme court of California, among others, has held that discrimination on account of race in the benefits of public education, where a state maintains such a system, violates that portion of the XIV amendment which prevents any state from denying to any person the equal protection of the laws. In the course of its argument the court said: "Education of youth is emphatically their *protection*. Ignorance, the lack of mental and moral culture in early life, is the recognized parent of crime in after years. Thus it is the recognized duty of the parent, as part of the measure of protection which he owes the child, to afford him reasonable opportunity for the improvement of his mind, and the elevation of his moral character. * * * The state having established public schools, maintained at public expense and by public authority, the youth of the state become the wards of the state, and under the operation of the constitutional amendment referred to, are equally entitled to education at the public expense. It would therefore not be competent for the legislature, while providing a system of education for the youth of the state, to exclude the petitioner on account of her race from its equal benefits, and such exclusion is a denial to her of the equal protection of the law, within the intent and meaning of the constitution."

It is very clear, therefore, that the proposed amendment would be directly in the teeth of the constitution of the United States, which is of paramount force, and which must remain until changed by the action of three-fourths of the states of this union. It is wisdom to face the fact, however disagreeable it may be to many, that under the supreme law of the land we cannot educate the whites by means of public schools, unless we also educate the blacks.

But apart from these considerations, let us frankly ask our selves, would the proposed amendment, if constitutional, promote justice or the public good? The harassing problems due to the sudden enfranchisement of numbers of ignorant slaves, aggravated as it is by race antagonism and their investiture with political duties for which they are wholly unfitted, is one with which the people of Alabama, and that people alone, can safely deal. Its just and wise settlement is safer in their hands than elsewhere. We have resented, and will continue to resent outside interference.

The negro was not responsible for his emancipation, and was made a citizen without any fault of his. He is here, and here

he will remain for generations to come. It is idle to talk of his deportation. Modern history does not tell of the enforced or voluntary migration of a race numbering millions, not living together under a separate government in tribal relations, but interspersed as citizens with another race under a common government, in a vast territory, and interwoven in many ways with the whole economic structure of the country in which they live. If he should suddenly leave, who would take his place, and what would be the result in the interval between his leaving and the coming in of others to fill his place? The progress of his race when left to itself gives no hope of his advancement; but under the guidance and control of the white man may we not reasonably hope to advance him somewhat in the scale of fitness for citizenship. The experiment of educating him for the past twenty-five years has not been very encouraging; but what foundation does it afford for the statement that he would have been better if left in total ignorance, than with the scant education which the state has thus far given him? It is sometimes urged that "educating a negro is spoiling a good field hand," but if this be the effect of education its results are not confined to him, and it is not a high conception which deems it a duty of government to legislate so as to keep any of its citizens, no matter how humble, from bettering their condition in life. It is complained that he pays no taxes; but do not laborers in the adjustment of rent and wages, in all times and countries, bear their share of the burdens of government?

The public good which was the foundation of the policy for denying him education while a slave no longer exists, since he is a freeman. A servile and ignorant class, even while held in slavery, as our own recent history emphasizes, is a weakness to any country. Such a class, as freemen, cannot exist in a popular government without finally bringing it to disorder, distress and ruin. In seeking remedies for the dangers threatening us from ignorant suffrage much is said of an educational qualification; but can we ever obtain power to enforce it, or justify ourselves, in the face of the world, in attempting it, unless we first give them a reasonable opportunity of education? Some may say that they do not care for the opinion of the world; but public opinion both fights and votes. It dominates the action of our sister states of the union, by whose aid alone the constitution of the United States may be so amended, if necessary as a last resort, to save us from the

evils now threatening this people. When public opinion is perverted it threatens us with Force bills, and is a constant menace to our peace and prosperity. Any reactionary legislation adds to the power of our enemies.

Each year, more and more, there comes danger of political disintegration among the whites, and consequent disposition to call in the negro voter as umpire. Shall we keep him in the condition which best fits him to follow vile leaders, with low appeals and evil passions to bad government; or shall we guard against that day by educating him enough to make him amenable to the influence of reason and right? Is it a fact that any human being with a soul is worse for being able to read his bible, the laws which he is to obey, and the contracts which he signs?

We can proudly face the world with the honoring fact that under like conditions the people of the South have been kinder and juster to the negro than would any other people on earth. Let not our heroic purposes and supreme self control be now led astray by any argument which does not lead to justice to him and to ourselves. We cannot turn back if we would.

SHALL A CONSTITUTIONAL CONVENTION BE HELD?

The constitution wisely prohibits the holding of a convention unless the people vote for it; and a just regard for their rights demands that the work of the convention be submitted for their approval.

The holding of a convention would involve a vote on that question, the election of delegates, and the submission of their work to the people. If a convention sits no longer than that of 1876, its cost would be about \$30,000 to the people. While this consideration should have weight, it should not be at all conclusive against the holding of a convention if that is the best and surest mode of amending the constitution.

It is true the final responsibility of holding a convention devolves upon the people; but their representatives, before inviting them to determine that question, should at least inquire, in the first instance, if there is reasonable expectation that the public good would be promoted thereby. Let us enter upon that inquiry.

A new constitution must, necessarily, in its provisions, decide upon very many public questions upon which there is much contrariety of opinion. Under present conditions there will

be strong opposition to granting authority to increase local taxation for schools. Some communities desire additional taxation for the betterment of the roads, while others deem it unwise. There are opposing opinions whether biennial or annual sessions are best. There is division of opinion whether a lesser constitutional area ought not to be allowed for the formation of new counties. In some portions of the state it is desired to invest counties, cities and towns, with authority to aid works of internal improvement, while in many more the opposite opinion is aggressive. There is much difference of opinion as to how far the legislators power of local legislation should be restricted. Many earnestly desire reforms in the suffrage which, in our condition, can be practically affected only by fixing property or educational qualifications. Of the wisdom of attempting this at all, and especially at this time, there is very great diversity of opinion.

It is impracticable to submit each separate provision in the constitution to a separate vote. The opponents of any particular provision to make their opposition to it effective, must vote against the constitution as a whole. Thus there will be concentrated against it, the aggregate opposition vote of all who are opposed to any provisions in it; and there are always those who vote against reform, because it is change. Are not the probabilities, therefore, very strong that any constitution which may be framed would fail of ratification at the polls?

It would seem wiser to submit to the people at the next general election such amendments as the legislature may deem necessary. It is true that the people generally take very little interest in amendments to the constitution, but public opinion as to the necessity of amending it is now fully aroused, and it is confidently believed that it will not allow any amendment to fail for lack of interest in the question.

THE CONVICT SYSTEM.

Every man who works for a living is a competitor in the struggle for existence and subsistence with his fellow man. This law of nature is not changed when he becomes a convict. He must still have food, raiment and shelter. If he does not earn them by his own work, the state must furnish them by subtracting that much from other people's work. It would be an injury to the convict and a crime against the tax payer to maintain convicts in idleness, or unnecessarily to tax honest people for their support.

While all this is true, government should not, if possible to avoid it, gather up and concentrate convict competition in a few localities, and cause a particular class to bear the entire brunt of it.

The lease system is obviously objectionable for many reasons; but the state is not in position to make radical changes now. A policy should be adopted, and such preparation made from time to time, as will surely put an end to the lease system in the earliest practicable period.

In any system which may be adopted revenues should not be the chief consideration, and it ought not to be considered at all when it conflicts with the demands of humanity.

Men are punished criminally for the violation of the laws of the state of Alabama, yet we have state convicts and county convicts. They are managed under different administrations. This ought not to be. Wherever hard labor, instead of confinement in jail, is the punishment, that punishment should be administered under the direct control of the state itself. It stands to reason that sixty-six different counties, with their separate corps of officials cannot manage this business as wisely or as humanely as could be done if under one management—that of the state.

Putting men to hard labor for costs works great inequality and hardship in the practical discrimination it effects between the offenders; virtually making the amount of punishment dependent upon the man's condition in life, and the severer, the poorer he is. Counties should pay the costs of convicting county-convicts, for they receive the benefits of their labor.

At one time the law did not authorize the imposition of hard labor for costs except by courts of record, but this was changed by the adoption of the code. We should return to the former law. It is not right that any man should be put to hard labor, except by a verdict of a jury of his peers.

Men are put into the penitentiary for the protection of society. Their punishment should be so administered that society should not need greater protection against the criminal after he leaves than before he entered the penitentiary. It is unquestionably true that many convicts cannot be reformed, but there are others who can be bettered by wise punishment, and it behooves the state to make increased efforts in this direction. While the condition of the state convicts is better than in most other states, and its system more humane and efficient than ever before in Alabama, there is room for im-

provement, and the extent of it must depend upon the amount of revenue which the general assembly is willing to expend for that purpose.

THE STATE TROOPS.

The history of republican government does not teach that the people's rule can wholly put away the sword, but it does demand, as far as may be, that the professional soldier be replaced by the citizen soldier.

The sages of the past, and the experience of the present alike attest that "a well regulated militia is essential to the *security* of a free state." Labor will not work, nor capital invest, unless the laws are enforced and the peace assured. These wanting, he who sows knows not whether he shall reap; and "there shall remain no more industry, no more justice, no more valor; for who will labor, who will hazard his person in the day of battle, for that which is not his own?"

Excitement and the passions of men will often burst the bounds of law, and prove too strong for the ordinary civil power. Government must then abdicate, or meet force with force. For this reason, the state must maintain its citizen soldiery.

This imposing array of young manhood, met here to honor Alabama alone, carries no bayonet which does not think of her welfare, and no flag that does not salute her civil power. Throbbing with patriotic devotion to her laws and institutions, offering themselves a living sacrifice if need be against lawless commotion and violence, the state troops stand among the noblest types of the citizenship of a free people, and should have their love and affection. The state owes no higher duty to herself than to sustain and encourage them.

ALABAMA'S DUTY TO THE LIVING AND DEAD SOLDIER.

Yonder unfinished monument reproaches Alabama for a duty undone to her living and to her dead soldiers. These duties do not conflict. Reverence for the memory of the dead soldier arouses sympathy and support for his maimed and helpless comrade.

Over a quarter of a century ago, by a command which went out from these very halls, 122,000 Alabamians went to battle in her defense. Of these, 35,000 never returned, and a larger

number came back to desolate homes, permanently injured by wounds or disease contracted in the service. With an economy which, one of my distinguished predecessors has characterized "as savage in its ruthlessness," the state neglected her great debt to these men, while straining every nerve to protect her commercial honor. Beyond furnishing some of them with artificial limbs, and now and then paying a pittance of not over a dollar a month, the state, as a state, has left them alone in their misery and distress. Age is rapidly thinning their numbers, but there remain with us more than a thousand who are in danger of coming to absolute want. Some are totally blind. Some have lost both limbs. Others can no longer work. Private charity is not sufficient, and is no fit reward for their services. They do not come as Pretorian hordes demanding bounty for duty done in the hour of battle, but they and their comrades appeal to us for justice. Surely the state which so sorely taxed them, will not object to tax itself to keep them from want. I heartily favor a liberal appropriation for this purpose, and if it be necessary to raise the amount by special tax, I heartily favor that tax.

There are 35,000 other soldiers of Alabama, whose "eyes are dark to their own deathless glory," and whose hushed voices make no appeals. They sleep on historic battle fields and on nameless hills and valleys, by the sea-shore and in prison pens, their whitening bones indebted to the chance kindness of the stranger for the handful of earth and the enclosure that save them from the beasts of the field and the birds of the air; while history, which passion yet seeks to pervert, does not do justice to their memory. To them Alabama furnished neither shroud nor coffin nor headstone; and she has never written their names in the chronicles of her history and fame. Will she let them lie there unknown and unmarked, and give no outward sign or token to coming generations that they are remembered?

"Society has a soul as well as a body. The traditions of a nation are a part of its existence. Its valor and its discipline, its religious faith, its venerable laws, its science and erudition, its wise laws and its scholarship, are as much a part of its existence as its agriculture, its commerce and its engineering skill." The Divine command, "Honor thy father and thy mother that thy days may be long in the land which the Lord thy God giveth thee," was spoken not alone of those whose blood flows in our veins, but as well of the generations which

have borne the heat and burden of the days behind us. Without manhood, virtue and love of native land, no people can be really great or long remain free. These virtues wither and die in the land where the child forgets the father. If the future springs up brighter before our children than the past which hedged about their fathers, let us teach our children and our children's children that the glorious lives and death of the men whom the monument is intended to commemorate alone have made it possible.

The loving women who said the prayer the soldier could not say, and the white hands that shunned no toil for him, and the pure souls that rose above him with a courage grander than his own, are fast passing away. Few of them remain. They took up the burden which the living soldier laid down, and for twenty-five years have guarded the memory of the dead. Their lips have uttered no complaint, yet we read in their wistful eyes the reproach that the kindred of the dead have forgotten him, when the great state ruled by the sons and brothers of the dead, refused to contribute as much as they to one monument to the valor and virtues of thousands, who went down to death for her. Justice to these noble women, honor to the glorious dead, care for the education of the rising generation, all demand that year by year, as the state is able, it shall give in loving memory of the dead, until the monument is completed.

OUR FUTURE.

Alabama has just cause for pride and hope. Her credit is high, her tax rate low. She has outlived the day when the reduction of taxation is considered the sole end of statesmanship; and is ready and willing to bear all the just burdens of government. Her government is one of the best and most economically administered in the Union. No where does the citizen receive greater value for the taxes he pays.

Her institutions for the insane, and for the deaf, the dumb and blind, rank among the foremost in the country. Her University, and Agricultural and Mechanical College, with rapid strides keep pace with the new demand for the education of youth, and leave no excuse for her sons going elsewhere. Her convict system is being rapidly bettered, and has attracted attention and favor abroad. Her citizen soldiers are among the most reliable and efficient in the country, and give assurance

of her ability to enforce her laws. Her courts take easy rank with those of highest authority in the Union. Her legislation keeps pace with the enlightenment of the day. Her people are peaceful and law abiding, and singularly free from agrarianism and communism.

Churches and schools are on the increase; and there is an earnest and upward movement of all classes of our people to improve in those things which make men wiser and better. Her mineral wealth, yet undeveloped, has attracted the attention of the world, and makes its competition felt throughout the Union. Her manufactures are multiplying. Her forests of virgin timber hardly yet touched, are being rapidly brought into the market and furnish employment and profit for large numbers of her people. Her agriculture, the bone and sinew of all else, which has long lain dormant, is mastering many of the ills with which it has contended, and is again becoming a source of profit. The demand for our chief staple increases faster than its production; and the day is not far distant when every industrious man will find a mine in his cotton field. Her broad and fertile fields equal in the production of wheat and corn those of the most favored states of the west. Her mild winters and juicy grasses are beginning to increase the herds. Her magnificent water ways, and railroad lines of transportation reach out to nearly every market. Labor and capital alike find fair profit. The races dwell together in harmony. Her climate and the hospitable and generous character of the people attract immigration. She stands the peer of any in a co-equal Union, under the flag of her fathers.

We neither misconstrue nor undervalue the late verdict which the people of the United States have rendered upon the acts of the party in power at Washington. We read in it a purpose to end sectionalism, in which we will aid with all our might. We see in it the overthrow of a system of Federal taxation which in substance, if not in name, imposed an acute form of slavery upon the agricultural and industrial classes. We know that it illustrates the American love of fairness, which will rebuke forever lawless disregard of the rights of minorities. We believe that it emphasizes final recognition, by the body of the people, of the great principle that the happiness of the American people and the future of constitutional liberty depends not more on union than on the equality of the states and their right to work out their own destiny around their own firesides, and that one is not complete without the

other. We thank God to-day, with full hearts, that this principle which underlies all liberty and happiness stands upright and unchallenged in the hearts of the American people.

Not apologizing for the past, which was brought about and controlled by causes and laws little understood, and dimly seen by human eyes, we turn hopefully and gladly to achieve our destiny as citizens of this great Republic. These days teach us that we can bequeath our children nobler legacies, than discords or hates; that countrymen may understand each other, and range themselves under hostile banners, and yet be united by "the higher and immortal bond of equal fidelity to principle." They teach that justice and honor to the sections is surer and stronger hope for the future than armies and navies. They teach us that without dishonoring our dead or past, we may yet, in glad equality, gather from the topmost boughs of the Tree of Liberty, which was watered by the blood of our fathers, the golden fruits of honor, contentment and prosperity.

And now, with the firm purpose to "take care that the laws be faithfully executed," without regard to race, class, or condition in life, and as far as in me lies to be the governor of the whole people, I am ready to take the oath of office.

At the conclusion of the address the oath of office was administered by George W. Stone, chief justice of the supreme court of Alabama.

The two houses then returned to the hall of the house of representatives, where the joint convention was dissolved, and the senate returned to its chamber.

ADJOURNMENT.

And, on motion of Mr. Parks, at 2 o'clock p. m., the senate adjourned.

EIGHTEENTH DAY.

TUESDAY, December 2, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Wharton of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—30.

The journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested, viz.:

ii. 45. To incorporate the Birmingham and Little River Coal Company.

ii. 105. To amend section 5 of an act entitled an act to create the office of county solicitor for the county of Hale, to provide for the appointment of such county solicitor, and to prescribe his powers and duties, approved February 28, 1889.

ii. 114. To change and define the corporate limits of Courtland, Alabama, and amending section one of an act entitled an act to incorporate the town of Courtland, in the county of Lawrence, approved December 16, 1873.

ii. 169. To provide for the disposition of the volumes of Smith's Condensed Reports now in the possession of the secretary of state.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the house message.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows :

By Mr. Hundley—

s. 166. To authorize and empower the Nashville, Chattanooga and St. Louis Railway to construct, operate and maintain its road, or a branch thereof, in and through the counties of Madison, Marshall and Etowah, in the state of Alabama ;

Internal improvements.

By Mr. Hargrove—

s. 167. To amend section seven hundred and eight (708) of the code ;

Judiciary.

By Mr. Milner—

s. 168. To amend section 4648 of the code, in reference to the number of convicts to be hired to one person ;

Penitentiary.

By Mr. Minge—

s. 169. To amend section 3017 of the code, relating to claim by mortgagee or landlord—payment of secured debt by the plaintiff ;

Judiciary.

By Mr. Skeggs—

s. 170. To establish a new charter for the city of Decatur Municipal and county organizations.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows :

By Mr. Haralson, from local legislation, favorably,

s. 115. To declare the town of Jacksonville, in Calhoun county, Alabama, a watering place within the meaning of section 4053 of the code of 1886.

s. 162. To provide for a solicitor for the county of DeKalb, and prescribe his powers and duties.

s. 113. To regulate and prescribe the manner of electing county commissioners in the counties of Lamar, Fayette, Marion and Franklin.

s. 128. To provide for the assessment and collection of taxes in the county of Tallapoosa for the years 1891 and 1892.

n. 52. To provide for a re-registration of all legal claims against the fine and forfeiture fund of Marion county.

H. 176. To regulate the election of county commissioners of Tallapoosa county.

H. 98. To change the boundary line between the counties of Covington and Crenshaw.

H. 115. To separate the office of sheriff and tax collector in Marion county, and to provide for the election of a tax collector.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,
EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, December 2, 1890.

Mr. President:

I am directed by his excellency, the governor, to communicate to the senate a message in writing.

Respectfully,

HARVEY E. JONES,
Recording Secretary.

The governor's message was read as follows :

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALABAMA,
DECEMBER 2, 1890.

Gentlemen of the Senate and of the House of Representatives:

Section 124 of the code requires the treasurer to send by express to the fiscal agency in New York, whatever money is necessary to meet interest on the state debt which is payable there. When special insurance is not ordered by the governor the cost of this expressage is about four hundred and fifty dollars per annum, which is a useless expenditure.

Sending money by express instead of remitting it by exchange saves the state from risk of loss only from the insolvency of the drawers of the bills while the exchange is in transit to the fiscal agency. No matter how funds are provided at the fiscal agency, the risk of loss to the state by its failure remains, and the present law was not intended to, and does not lessen or change that risk.

The condition of the money market in this state is generally such that bankers are willing to place funds to the credit of the state at the fiscal agency in New York if upon so doing the state could pay to them here money which, under the present law, has to be expressed to New York.

I respectfully recommend the passage of an act authorizing the treasurer, with the approval of the governor, to provide funds for the payment of interest in New York by purchasing at par here any certificate of deposit to the credit of the state at the fiscal agency in New York. This would save the state about \$450.00 a year and in no wise impair its security under the present method. The interest must be paid on the first of January, and any legislation to be effective this year must be passed before recess.

THOS. G. JONES,
Governor.

On motion of Mr. Grant, the governor's message was referred to the committee on finance.

BILLS ON THIRD READING.

The bill,

s. 92. To amend section 4571 (4546) of the code;

Was read a third time and passed—yeas, 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Haralson, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—26.

The bill,

s. 109. To amend section 4533 (5002) of the code;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—26.

The bill,

s. 158. To ratify and confirm the reorganization of the Peoples Savings Bank as the "People Bank," and to declare the powers and term of life of the "Peoples Bank;"

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Harris of Hale, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—24.

The bill,

s. 161. To amend section one of an act entitled an act to establish a new charter for the town of Evergreen in Conecuh county, approved February 5th, 1881 ;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Harris of Hale, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—26.

The bill,

n. 41. To incorporate the East Lake Atheneum ;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Harris of Hale, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—25.

HOUSE MESSAGES.

On motion of Mr. Downey, the bill,

n. 70. To authorize the mayor and council of the city of Uniontown to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, bearing six per cent. interest payable semi-annually, for the purpose of erecting or providing said city with waterworks, and for funding the indebtedness of said city ;

Was taken from the table, and the senate acceded to the request of the house for a committee of conference thereon.

The president appointed as the committee on the part of the senate, Messrs. Smith of Mobile, Downey and Minge.

MISCELLANEOUS BUSINESS.

Mr. Steagall offered a resolution, which was adopted, as follows :

Resolved. That the joint committee on printing be required to take into consideration the report of the superintendent of the institution for the deaf, dumb and blind, and to report the number of copies to be printed for the use of the two houses and the institution.

EXECUTIVE SESSION.

At 12 o'clock m., the senate met in executive session. At 12:15 o'clock, the executive session being dissolved, the doors were opened.

ADJOURNMENT.

And, on motion of Mr. Milner, the senate adjourned.

 NINETEENTH DAY.

WEDNESDAY, December 3, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Wharton of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddel, Wiley, Williams—31.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Steagall indefinitely on account of sickness in his family.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested, viz:

ii. 13. To incorporate the town of Midland City, in the county of Dale.

ii. 40. To incorporate the Birmingham Coal Company.

ii. 71. To fix the compensation of witnesses for the state in all criminal cases in the circuit court of Perry county, and before the grand jury of said county, and to prescribe when and how they are to be paid.

ii. 136. To incorporate the Confederate Association of Alabama.

ii. 161. To amend section 1186 of the code.

ii. 163. To amend section 1187 of the code.

B. F. ELMORE,

Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills set out in the foregoing house message.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Hayes—

s. 171. To repeal an act entitled an act to punish persons who take by net, or poison fish in Big Limestone Creek, in Limestone county, approved December 7th, 1888;

Local legislation.

By Mr. Inzer—

s. 172. To amend section 2360 of the code;

Judiciary;

Also,

s. 173. To repeal sections 3463 and 3464 of the code;

Judiciary.

By Mr. Grant—

s. 174. To create a new charter for the town of Jacksonville, Alabama;

Municipal and county organizations.

By Mr. Lackey—

s. 175. To render a certificate of attendance of state witnesses in cases where the defendant is convicted, void when sold or transferred;

Revision of laws.

By Mr. Hargrove (Mr. Handley presiding)—

s. 176. For the better protection of creditors against the

fraudulent disposition of debtors property and against preferences ;

Judiciary.

Also,

s. 177. To amend section 3391 (3709) of the code of Alabama,

Revision of laws.

Also,

s. 178. To provide for the correction of certificates of commissioners appointed to take the depositions of witnesses in certain cases ;

Judiciary.

By Mr. Minge—

s. 179. To provide for the distribution of the money received by the state of Alabama each year in pursuance of the act of Congress, approved March 2nd, 1887, and known as the Hatch act, which is entitled an act to establish agricultural experimental stations in connection with the colleges established in the several states, under the act approved July 2nd, 1862, and of the acts supplementary thereto ;

Agriculture.

Also,

s. 180. To repeal an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, at or within certain localities in this state therein designated, to-wit : In Spring Hill, Marengo county, and within six miles thereof, and various other places, approved February 28th, 1881, so far as the same applies to Van Dorn, Marengo county, and the territory adjacent thereto for one hundred yards ;

Temperance.

By Mr. Davie—

s. 181. To amend section 4078 of the code ;

Judiciary.

By Mr. Wiley—

s. 182. To amend an act to require locomotive engineers in this state to be examined and licensed by a board to be appointed for that purpose, approved February 28th, 1887 ;

Judiciary.

By Mr. Harris of Hale—

s. 183. To prohibit the sale or giving away of spirituous, vinous or malt liquors in five miles of Hedge Hill Academy, Mt.

Olive church and academy, St. Andrews church and Macon baptist church, all in Hale county, Alabama :

Temperance.

By Mr. Handley—

s. 184. To regulate the payment of interest due by the state in New York ;

Finance.

By Mr. Milner—

s. 185. To regulate the practice of the profession of detectives in the state of Alabama ;

Judiciary.

By Mr. Bloch—

s. 186. To amend section 3781 of the code :

Judiciary.

Also,

s. 187. To define a lawful wire fence in Wilcox county ;

Agriculture.

Also,

s. 188. To provide for the election of the county superintendent of education in the county of Wilcox ;

Education.

By Mr. Hundley (by request)—

s. 189. To amend and declare the true intent and meaning of an act approved February 19th, 1889, and entitled an act to amend an act entitled an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama ;

Internal improvements.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows :

By Mr. Compton, from the judiciary, favorably.

s. 116. To regulate the trials of misdemeanors in Lawrence county.

s. 61. To enlarge and amend the rules of evidence.

s. 126. To provide for the recording of bonds for title.

s. 114. To incorporate the Alabama, Florida and Mississippi Railroad Company and to further the construction of said railroad.

s. 118. To dissolve garnishment in cases where the defendant executes bond to plaintiff.

s. 148. To provide for the service of process upon domestic corporations by publication in cases where return of "not found" is made by the sheriff.

ii. 166. To amend section 128 of the code of 1886.

By Mr. Parks, from revision of laws, favorably,

s. 135. To fix the fees of sheriffs for executing process issued by a justice of the peace.

s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state.

By Mr. Milner, from internal improvements, favorably,

s. 154. To amend section 3216 of the code;

Also, with an amendment.

s. 166. To authorize and empower the Nashville, Chattanooga and St. Louis Railway to construct, operate and maintain its road or a branch thereof in and through the counties of Madison, Marshall and Etowah, in the State of Alabama.

By Mr. Harris of Hale, from agriculture, favorably,

ii. 144. To amend section 1 of an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties and to authorize elections thereon, approved February 27th, 1889.

By Mr. Lackey, from municipal and county organizations, favorably,

ii. 29. To amend section two (2) and five (5) of an act entitled an act to establish a new charter for the city of Gadsden, approved January 27, 1883.

ii. 31. To provide for the permanent location of the county site of Fayette county by the vote of the people of said county.

ii. 146. To establish a charter for the town of Woodlawn, in Jefferson county.

ii. 159. To incorporate Fairview M. E. Church, South, and Friendship Baptist Church, situated in township 8, range 7, DeKalb county, Alabama, in close proximity, with the following named trustees and their successors in office, viz.: James A. Young, James M. Pickens, J. A. Dobbins, Peter F. Stewart and B. D. Ward, chosen by their respective churches.

s. 123. To divide the county of Blount into two circuit court districts, and to provide for the holding of such courts at Oneonta and Bangor in said county.

s. 124. To authorize and empower the commissioners of Blount county to build a court house and jail at Bangor in said county.

s. 129. To amend sections 1504 and 1505 of the code of Alabama, so far as the same relates to the town of Centreville, in Bibb county, a town incorporated under the general incorporation laws.

II. 333. To incorporate the city of Girard, in Russell county.

At the hour of 12 o'clock m., the senate proceeded to consider the

SPECIAL ORDER.

Which was the bill,

s. 48. To repeal section 3210 and to amend sections 3211, 3212, 3214, 3215, 3216, 3217 of the code, relating to the condemnation of lands for public uses.

On motion of Mr. Wiley, the bill was recommitted to the judiciary committee.

BILLS ON THIRD READING.

The bill,

s. 115. To declare the town of Jacksonville, in Calhoun county, Alabama, a watering place within the meaning of section 4053 of the code of 1886:

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Handley, Haralson, Hayes, Inzer, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—24.

The bill,

s. 162. To provide for a solicitor for the county of DeKalb and prescribe his powers and duties:

Was taken up.

Mr. Haralson offered a substitute, which was adopted.

Mr. Haralson offered an amendment, which was adopted.

The bill was read a third time and lost—yeas 12, nays 15.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Milner, Parks, Reynolds, Smith of Mobile, Williams—12.

Nays—Messrs. Bloch, Cowan, Compton, Harris of Hale, Hayes, Inzer, Lackey, Minge, Nesmith, Parker, Smith of Autauga, Stallworth, Stansel, Waddell, Wiley—15.

Mr. Compton moved to reconsider the vote by which the bill was lost, and that said motion be postponed until tomorrow.

The motion to postpone prevailed.

The bill.

s. 113. To regulate and prescribe the manner of electing county commissioners in the counties of Lamar, Fayette, Marion and Franklin ;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith Mobile, Stallworth, Stansel, Waddell, Wiley, Williams—25.

The bill,

s. 128. To provide for the assessment and collection of taxes in the county of Tallapoosa for the years 1891 and 1892 ;

Was read a third time and passed—yeas 25 nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Waddell, Wiley, Williams—25.

The bill,

n. 52. To provide for a re-registration of all legal claims against the fine and forfeiture fund of Marion county ;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Waddell, Wiley—24.

The bill,

n. 176. To regulate the election of county commissioners for Tallapoosa county ;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Wiley—25.

The bill,

n. 98. To change the boundary line between the counties of Covington and Crenshaw ;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Handley, Harris of Hale, Hayes, Inzer, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga,

Smith of Mobile, Stallworth, Stansel, Waddell, Wiley, Williams—24.

The bill,

ii. 115. To separate the office of sheriff and tax collector in Marion county, and to provide for the election of a tax collector;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Handley, Harris of Hale, Hayes, Inzer, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Wiley, Williams—24.

MESSAGE FROM THE HOUSE.

Mr. President :

The house non-concurs in the senate amendment to,

ii. 170. To prohibit the sale, giving away or otherwise disposing of intoxicating liquors within one-half ($\frac{1}{2}$) mile in every direction of Bethel church, at Adams Cotton Mills near the city of Montgomery,

And asked for a committee of conference thereon.

Committee on the part of the house, Messrs. Gilchrist, Lee of Conecuh and Northington.

Also,

Non-concurs in senate amendment to the bill.

ii. 142. To make the fees of bonded constables in the counties of Tuskaloosa, Madison, Jefferson, Etowah, Perry, Franklin, St. Clair, Coosa, Clay, Chambers, Macon, Elmore, Russell, Henry, Colbert, Lee, Dallas, Cherokee, Pickens, Chilton, Calhoun, Walker, Fayette, Bibb, Escambia, Crenshaw, Cleburne, Talladega, Tallapoosa, Morgan, Blount, Pike, DeKalb, Landerdale, Limestone, Winston, Bullock, Marshall and Lawrence, the same as sheriffs fees when they perform the same or similar services.

And asks for a committee of conference thereon.

Committee from the house, Messrs. Purifoy, White and Kelly.

Also non-concurs in the senate amendment to the bill.

ii. 88. For the preservation of game animals and birds in the county of Walker,

And asks for a committee of conference thereon.

Committee from the house, Messrs. Long, Foster and Jones.

And has passed.

s. 9. To amend an act to allow constable of Troy beat, Pike county, and the constable of beat No. 21 in Jefferson county, Alabama, to appoint deputies, approved February 12, 1885.

And has concurred in the senate amendment to,

ii. 161. To amend section 1186 of the code.

Also,

ii. 163. To amend section 1187 of the code.

And has adopted the joint resolution, herewith sent, relative to requiring corporations to print all bills before bills are reported from committees.

And has originated and passed the bills,

ii. 109. To establish a new charter for the town of Pratt Mines, in Jefferson county.

ii. 153. To establish a new charter for the city of Cullman, Alabama.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, in the foregoing message, were severally read a first time and referred to appropriate committees, as follows :

ii. 109 and 153, to municipal and county organizations.

The senate acceded to the request of the house for a committee of conference on ii. 170, also on ii. 142, also on ii. 88, and the president of the senate appointed the committees of conference on the part of the senate on said bills respectively, as follows :

On ii. 142, Messrs. Bloch, Downey and Williams.

On ii. 88, Messrs. Milner, Skeggs and Bradley.

On ii. 79, Messrs. Wiley, Stallworth and Smith of Autauga.

On motion of Mr. Milner, the house joint resolution was referred to the committee on rules.

MISCELLANEOUS BUSINESS.

Mr. Waddell offered a joint resolution, which was adopted, as follows :

Joint resolution of the legislature of the state of Alabama covering that portion of the governor's inaugural address,

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which advises the appointment of a committee to sit, if necessary, during recess and to examine into the various causes which tend to inquiry as to holding presently in this state a constitutional convention, and for other purposes.

ADJOURNMENT.

At 1 o'clock p. m., on motion of Mr. Handley, the senate adjourned.

TWENTIETH DAY.

THURSDAY, December 4th, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Wharton of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—32.

The journal of yesterday was read and approved.

RESOLUTION.

By leave, Mr. Grant offered a resolution, as follows :

Resolved, That one thousand copies of the governor's inaugural address be printed for the use of the senate and house of representatives ;

Which was referred to the joint committee on printing.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows :

By Mr. Inzer—

s. 190. To provide for establishing a certain portion of the

line between the states of Alabama and Georgia, where the same divides the county of Cherokee, in the state of Alabama, and the county of Polk, in the state of Georgia: To provide for the appointment of persons to establish said line, and to appropriate money to pay the expenses thereof;

Municipal and county organizations.

Also, by request.

s. 191. To declare any person, who in violation of law, supplies to another intoxicating liquor, or beverages, an accessory before the fact in the commission of crime, or misdemeanor, in certain cases, and to provide the punishment therefor;

Temperance.

Also, by request.

s. 192. To require persons convicted of drunkenness or of public drunkenness, to testify in certain cases and to provide punishment on failure, or refusal, so to do:

Temperance.

Also, by request.

s. 193. To make drunkenness unlawful; to declare its effect as an unlawful act, and to provide for its punishment in certain cases;

Temperance.

By Mr. Berry—

s. 194. For the relief of W. L. Rowe, sheriff of Tallapoosa county;

Judiciary.

By Mr. Parker—

s. 195: To amend section 666 of the code of Alabama;

Printing.

By Mr. Milner, by request—

s. 196. For the relief of D. T. Halliday, a citizen of Lee county;

Penitentiary.

By Mr. Parker.—

s. 197. To provide for the indexing of the records of deeds to and mortgages of real property in Coosa county;

Local legislation.

Also,

s. 198. To protect purchasers, judgment creditors, mortgagees and subsequent encumbrancers without notice against conditional sales of personal property;

Judiciary.

Also,

s. 199. To amend section 2307 of the code of Alabama ;
Judiciary.

By Mr. Williams—

s. 200. To amend section 1 of an act entitled an act for
the protection of oyster culture in the state of Alabama ;
Agriculture.

QUESTION OF PRIVILEGE.

On motion of Mr. Compton, the senate reconsidered the vote
by which it refused to pass the bill,

s. 162. To provide for a solicitor for the county of DeKalb,
and prescribe his duties.

On motion of Mr. Compton, the senate, also, reconsidered the
vote by which the bill was ordered to a third reading.

On motion of Mr. Haralson, the bill was postponed and
made a special order for the 21st day of January, 1891.

APPOINTMENT OF COMMITTEE.

The president appointed as the committee on the part of the
senate, under the joint resolution of Mr. Waddell, providing
for a joint committee to consider certain portions of the gov-
ernor's inaugural address, Messrs. Haralson and Stallworth.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second
time, as follows :

By Mr. Handley, from finance, favorably.

s. 184. To regulate the payment of interest due by the
state of New York.

By Mr. Parks, from revision of laws, favorably, with an
amendment,

s. 133. To provide for paying the accounts of sheriffs against
the state.

By Mr. Skeggs, from education, favorably.

s. 163. To authorize and empower the governor of Alabama
to issue a patent to the heirs of John Henderson, deceased,
to the northwest fourth of the northeast fourth and the north-
east fourth of the northwest fourth of section sixteen, township
eighteen of range five, east, in Talladega county ;

s. 111. To provide an office and create a salary for the superintendent of Bibb county, and to further define his duties.

By Mr. Milner, from internal improvements, favorably,
H. 162. To amend section 1174 of the code.

By Mr. Lackey, from county and municipal organizations, favorably,

s. 170. To establish a new charter for the city of Decatur:

s. 174. To create a new charter for the town of Jacksonville, Alabama.

By Mr. Cowan, from temperance, favorably,

H. 32. To provide for the holding of elections in the several beats of Geneva county, to determine whether alcoholic, vinous or malt liquors shall be sold in such beats;

Also, with amendment,

s. 131. To amend section 1319 (1544) of the code.

Mr. Smith of Mobile, from the committee on agriculture, reported favorably the bill,

s. 179. To provide for the distribution of the money received by the state of Alabama each year, in pursuance of an act of congress, approved March 2nd, 1887, and known as the Hatch act, which is entitled, "an act to establish agricultural experimental stations in connection with the colleges established in the several states, under the provisions of an act approved July 2nd, 1862, and of the acts supplementary thereto;"

Which, on motion of Mr. Stansell, was recommitted to the judiciary committee.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has amended, as therein shown, and as amended, has passed the bills,

s. 43. To amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved February 28, 1889;

s. 27. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within half a mile of the City Mission church, and the Corinthian Baptist church, in Mobile county, to take effect January 1st, 1891.

And has passed the bills,

s. 18. To amend and confirm the charter of the Fort Payne Coal & Iron Company, a corporation organized under the general incorporation laws of the state;

s. 32. To amend an act entitled an act to incorporate the town of Courtland, in the county of Lawrence, approved December 16th, 1873;

s. 44. To amend section 750 of the code so far as the same applies to the counties of Lamar, Fayette, Marion and Franklin.

And has adopted the joint resolution herewith sent,

That a committee of sixteen, to consist of ten from the house of representatives and six from the senate, be appointed by the presiding officers of each body respectively, to take into consideration the propriety of increasing the number of judicial circuits in this state, and of reorganizing the same.

Committee on the part of the house,

Messrs. Clayton, Brewer, Kelly, Lee of Conecuh, Edwards, Quarles, Harris, Judge, Wade and Lane.

And has originated and passed the following bills:

ii. 6. To amend section 2 of an act to incorporate the Anniston Loan and Trust Company of Anniston, Alabama, approved February 28, 1889.

ii. 49. For the relief of H. McVay Moore, late sheriff of Lauderdale county.

ii. 50. For the relief of Robert E. Yarbrough, a minor under eighteen years of age, of Lee county, from the disabilities of non-age.

ii. 67. To amend an act entitled an act to more effectually secure competent and well qualified jurors in the county of Montgomery, approved February 21, 1887.

ii. 87. To amend section 2, and paragraphs 5, 7, 9, 10 and 13, and section 4 and sections 9 and 10 of an act entitled an act to provide for a charter for the city of Jasper, in Walker county, Alabama, approved February 6, 1889.

ii. 89. To provide suitable compensation for the superintendent of education of the county of Walker.

ii. 110. To amend an act entitled an act to provide for the times of holding the circuit court in the sixth judicial circuit of the state, approved February 19, 1889, so far as Lamar county is concerned.

ii. 129. To confirm the ordinance passed by the mayor and council of the town of Decatur, and the contract in pursuance thereof, passed on the 7th day of October, 1890, granting to J. Judson Barclay, J. C. Hallowell and J. D. Jervis the right to operate and maintain a line of railroad over and along Market, Washington, Davis and Lee streets, in the town of Decatur.

II. 149. To authorize the Parker Memorial Baptist church of Anniston, Alabama, to hold real and personal property to the value of not exceeding one hundred and fifty thousand dollars.

II. 154. To repeal an act entitled an act to amend section eleven of an act to establish a separate school district, to be known as the Cullman school district, in Cullman county, Alabama, and for the appointment of a board of trustees for said school district, with certain powers and privileges, approved February 28, 1887.

II. 181. To amend section 3781 of the code.

II. 182. To make the husband or wife of the defendant competent to testify as a witness in all prosecutions for bigamy and adultery or fornication.

II. 193. To authorize and empower the commissioners court to have a general index made for records in the probate courts of Choctaw and Coosa counties.

II. 204. To prescribe the time in which bills of exception must be filed in the criminal court of Jefferson county.

II. 215. To authorize the board of trustees of the school district of the town of Decatur to issue bonds of said school district for the purpose of paying the debts of said district, and of erecting, adding to, and improving school buildings, and furnishing the same.

II. 218. To prevent stock from running at large in Pike county.

II. 240. To amend an act entitled an act to provide for the election of county superintendent of education of Dallas county.

II. 349. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters or beverages within the limits of precinct number one (1), in Jackson county, Alabama.

II. 130. To confirm and amend the charter of the New Decatur Terminal Company.

II. 255. To provide for the pay and compensation of the superintendent of education of Pike county.

II. 237. To repeal an act entitled an act to protect fish in the county of Butler, approved February 21, 1887.

II. 367. To provide for the drawing and summoning petit jurors for the second week of the circuit court of Lamar county for the spring term 1891, and each ensuing term of said court thereafter.

HOUSE MESSAGES.

The house bills, in the foregoing house message, were severally read a first time and referred to appropriate committees, as follows, viz :

II. 67, 110, 181, 182, 193, 204, 367, to judiciary.

II. 89, 154, 215, 240, 255, to education.

II. 50, 218, 349, to local legislation.

II. 6, 87, 129, 149, 130, to municipal and county organizations.

II. 237, to agriculture.

The house joint resolution, relative to increasing the number of judicial circuits in this state, was, on motion of Mr. Skeggs, amended, as follows: Amend by inserting the words "and chancery divisions," after the word, "circuits," where it occurs in the joint resolution. The joint resolution was then concurred in.

On motion of Mr. Handley, the senate non-concurred in the house amendment by way of substitute to the senate bill, s. 27, in the foregoing house message, and requested a committee of conference thereon, and the president appointed as the committee on the part of the senate, Messrs. Handley, Stansel and Cowan.

The senate concurred in the house amendment to the senate bill 43, in the foregoing message—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Stallworth, Stansel, Steagall, Waddell, Wiley—28.

REPORTS OF COMMITTEES OF CONFERENCE.

Mr. Milner, from a committee of conference, submitted the following report, viz :

To the Senate and House of Representatives :

We, the conference committee on II. 88, have had the same under consideration and recommend that section 1, as written by your committee be substituted in lieu of senate amendment and also in lieu of section 1 of the original bill.

JNO. T. MILNER,

Chairman Senate Committee.

T. L. LONG,

Chairman House Committee.

The senate concurred in the report of the conference committee—yeas 29, nays 2.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Wiley, Williams—29.

Messrs. Haralson and Stallworth voted no.

Mr. Wiley, from a committee of conference, submitted the following report, viz :

To the Senate and House of Representatives:

Your committee of conference, to which was referred the disagreement of the two houses, touching the senate amendment to,

II. 170. Being a bill to be entitled an act to prohibit the sale, giving away of, or otherwise disposing of intoxicating liquors within one-half ($\frac{1}{2}$) mile in every direction of Bethel church at Adams Cotton Mills near the city of Montgomery.

Having had the same under consideration, recommend that the senate recede from its amendment.

A. A. WILEY,
N. STALLWORTH,
MAC. A. SMITH,
On part of Senate.
J. N. GILCHRIST,
ROBT. A. LEE,
G. A. NORTHINGTON,
On part of House.

The senate concurred in the foregoing report of the conference committee—yeas 30, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—20.

SPECIAL ORDER.

At 12 o'clock m., the senate proceeded to consider the house amendment to the senate bill,

s. 36. To make the office of commissioner of agriculture elective.

Mr. Davie moved that the senate concur in the house amendment to said bill.

Pending said motion, Mr. Skeggs moved to recommit the bill to the judiciary committee.

Lost—Yeas 5, nays 27.

Yeas—Messrs. Haralson, Hundley, Inzer, Nesmith, Skeggs—5.

Nays—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Hayes, Lackey, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—27.

The senate, then, non-concurred in the house amendment—yeas 15, nays 17.

Yeas—Messrs. Bradley, Berry, Bloch, Davie, Downey, Harris of Hale, Hayes, Hundley, Nesmith, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Wiley, Williams—15.

Nays—Mr. President, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Inzer, Lackey, Milner, Minge, Parker, Parks, Stallworth, Stansel, Steagall, Waddell—17.

BILLS ON THIRD READING.

The bill,

s. 116. To regulate the trials of misdemeanors in Lawrence county;

Was read a third time and passed—yeas 29, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—29.

The bill,

n. 29. To amend section two (2) and five (5) of an act entitled an act to establish a new charter for the city of Gadsden, approved January 27, 1883;

Was read a third time and passed—yeas 29, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—29.

The bill,
H. 333. To incorporate the city of Girard, in Russell county;

Was read a third time and passed—yeas 30, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—30.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,
EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, December 4, 1890.

Mr. President:

I am directed by his excellency, the governor, to communicate to the senate a message in writing.

Respectfully,

J. K. JACKSON,
Private Secretary.

EXECUTIVE SESSION.

At 1:30 p. m. the senate went into executive session to consider the message of the governor.

At 1:45 p. m., the executive session being dissolved, the doors were opened and the senate resumed consideration of the regular order.

ADJOURNMENT.

At 1:45 p. M., on motion of Mr. Wiley, the senate adjourned.

TWENTY-FIRST DAY.

FRIDAY, December 5, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Wharton, of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—30.

The journal of yesterday was approved without being read.

CALL OF DISTRICTS.

The president laid before the senate,

s. 201. A memorial of the Alabama Conference of the M. E. church, protesting against the repeal of the Tuskegee prohibition law;

Which was referred to the committee on temperance.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Hayes—

s. 202. To amend section 1157 (1721) of the code of Alabama;

Internal improvements.

Also,

s. 203. To require all trains on railroads in this state, carrying passengers, to stop at the telegraph station now existing, or hereafter established, nearest, or most accessible, to be determined by the railroad commission, to the county seat of each county through which the road, or any part thereof, may pass for receiving and discharging passengers, approved February 28, 1887;

Internal improvements.

By Mr. Cowan—

s. 204. To regulate trials by juries in the county court of Clarke county;

Judiciary.

By Mr. Williams, by request—

s. 205. For the relief of Charles A. Marston, Jr., of Mobile county, a minor under the age of eighteen years;

Judiciary.

By Mr. Waddell—

s. 206. To regulate the sale of a poison, commonly known and called, "Rough on Rats;"

Temperance.

By Mr. Smith—

s. 207. To appropriate the sum of twenty thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof;

Finance.

By Mr. Milner—

s. 208. To fix the number of representatives in the house of representatives of the general assembly of this state, and to apportion them among the several counties of the state;

Judiciary.

Also,

s. 209. To provide for senatorial representation in the general assembly of Alabama;

Judiciary.

By Mr. Hargrove—

s. 210. To amend section 2999 (3317-3318) of the code of Alabama;

Judiciary.

Also,

s. 211. To amend an act to incorporate the town of North Port, approved February 12, 1879;

Municipal and county organizations.

Mr. Milner asked that the following report be spread on the journal in connection with s. 208 and s. 209:

The joint committee of the senate and house of representatives appointed to apportion the members in the house of representatives, under the census of 1890, and to arrange the number and fix the senatorial districts in this state, beg leave to report that they have performed the duty assigned to them, and I have the honor of reporting bills embodying the result of their action, and recommend their passage.

JOHN T. MILNER,

Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house, having signed the following bills, your signature thereto is requested:

- ii. 41. To incorporate the East Lake Atheneum;
- ii. 52. To provide for a re-registration of all legal claims against the fine and forfeiture fund of Marion county;
- ii. 98. To change the boundary line between the counties of Covington and Crenshaw;
- ii. 115. To separate the office of sheriff and tax collector in Marion county, and to provide for the election of a tax collector;
- ii. 176. To regulate the election of county commissioners for Tallapoosa county.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills set out in the foregoing house message.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has passed the bills:

- s. 17. To amend section 1476 of the code;
- s. 62. To incorporate the Lineville College, at Lineville, Clay county, Alabama;

And has concurred in the senate amendment to the house joint resolution relative to increasing the number of judicial circuits in the state;

And accedes to the request of the senate for a conference committee on the disagreement of the two houses on

- s. 27. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within half a mile of the City Mission church, and the Corinthian Baptist church, in Mobile county.

Committee on part of the house, Messrs. Gass, Loveless and Cornelius.

And, has concurred in the report of the committee of conference on the disagreement of the two houses on the senate amendment to

H. 70. To authorize the mayor and council of the city of Uniontown to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, bearing six per cent. interest payable semi-annually, for the purpose of erecting or providing said city with waterworks, and for funding the indebtedness of said city;

And has passed and ordered to the senate forthwith, without engrossment,

H. 264. To amend the charter of the city of Anniston.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

House bill 264, in the foregoing message, was read a first time and referred to the committee on municipal and county organizations.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows:

By Mr. Handley, from finance, favorably,

s. 130. To refund to William B. Bell, of Coosa county, money paid by mistake to the superintendent of education.

By Mr. Parks, from revision of laws, favorably,

s. 140. To provide compensation to sheriffs for the removal of prisoners from other states to this state;

s. 143. To fix the fees of clerks and sheriffs in detainee cases;

s. 145. To amend section 4854 of the code;

s. 177. To amend section 3391 (3709) of the code of Alabama.

By Mr. Haralson, from local legislation, favorably,

s. 171. To repeal an act entitled an act to punish persons who take by net or poison fish in Big Limestone Creek, in Limestone county, approved December 7th, 1888;

H. 218. To prevent stock from running at large in Pike county;

H. 50. For the relief of Robert E. Yarbrough, a minor, under eighteen years of age, of Lee county, from the disabilities of non-age;

ii. 349. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or beverages within the limits of precinct number one (1) in Jackson county, Alabama;

ii. 49. For the relief of H. McVay Moore, late sheriff of Lauderdale county.

By Mr. Skeggs, from education, favorably,

ii. 89. To provide suitable compensation for the superintendent of education of the county of Walker.

By Mr. Godfrey, from penitentiary, a substitute for,

s. 168. To amend section 4648 of the code, in reference to the number of convicts to be hired to one person.

By Mr. Cowan, from temperance, favorably,

s. 180. To repeal an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters, at or within certain localities in this state therein designated, to-wit: in Spring Hill, Marengo county, and within six miles thereof, and various other places, approved February 28, 1881, so far as the same applies to Van Dorn, Marengo county, and the territory adjacent thereto for one hundred yards.

REPORT OF CONFERENCE COMMITTEE.

Mr. Smith of Mobile, from a committee of conference, submitted the following report, viz :

Mr. President :

Your committee of conference to which was referred senate amendment to house bill No. 70, beg leave to report favorable to the amendment.

DANIEL SMITH,

W. T. DOWNEY,

J. H. MINGE,

Committee on part of the senate.

F. L. PETTUS,

GEO. P. WHITE,

J. V. SMITH,

Committee on part of the house.

The foregoing report was concurred in—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Da-

vie, Downey, Godfrey, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—25.

REPORT OF CONFERENCE COMMITTEE.

Mr. Handley, from a committee of conference, submitted the following report :

Mr. President:

Your committee of conference to whom was referred the disagreement of the two houses as to the house amendment by way of a substitute, s. 27, to the

Senate bill No. 27, "To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within half a mile of the City Mission church and the Corinthian Baptist church, in Mobile county,"

And known as the "Omnibus Prohibition Bill," have had the same under consideration, and recommend that the house amendment by way of substitute be amended as follows : Add.

1. At the end of said bill add the following: *Provided*, that the provisions of this act as to Emory Chapel and Oak Grove churches, in Pickens county, shall not take effect until July, 1891; and as to LaFayette College, it shall not take effect until January 1st, 1891.

2. Also, amend caption and body of the bill by adding: "Or within five miles of Cumberland church, in Larkinsville, Jackson county, or within the limits of precinct number 10 in Jackson county, or within half a mile of Four Mile-Post Methodist church in Mobile county ;"

And as thus amended, that the house amendment be concurred in.

All of which is respectfully submitted.

W. A. HANDLEY,

J. R. COWAN,

M. L. STANSEL,

Committee on part of the Senate.

J. A. GASS,

E. P. LOVELESS,

M. A. CORNELIUS,

Committee on part of the House.

The report of the committee was concurred in—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—26.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,
EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, December 4, 1890.

Mr. President:

I have the honor to inform you that the governor has approved the following bills, which originated in the senate:

s. 21. An act to dispose of the fine and forfeiture fund in Mobile county, and to provide for the payment of all claims, which are by law a charge against said fund.

s. 22. An act to provide for the compensation of state witnesses in Mobile county.

Respectfully,

HARVEY E. JONES,
Recording Secretary.

STATE OF ALABAMA,
EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, December 5th, 1890.

Mr. President:

I am directed by his excellency, the governor, to communicate to the senate a message in writing.

HARVEY E. JONES,
Recording Secretary.

The governor's message was read, as follows:

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, December 5, 1890.

Gentlemen of the Senate and of the House of Representatives:

I have approved house bills numbers 40 and 45.

Although these bills charter corporations with large capital stock, and with the privilege of still further increasing it, not a dollar of the stock is required to be paid in before the corporations are authorized to transact business or at any other time except in the discretion of the corporations. The general incorporation laws wisely require a certain per cent of the subscribed capital to be paid in before the corporations can organize and do business, and while the state can afford to be liberal in facilitating the organization of corporations for its development, there is no good reason why special exemptions from paying any part of the capital stock before engaging in business should be given by special acts, when they are denied by the general law.

Scrutiny of these bills was probably lulled by the fact that they are copies of the acts of the last general assembly. Their speedy passage, as I am reliably informed, will cause large investments in Alabama which will be imperilled by the necessary delay in amending the bills in these particulars.

In view of these facts and the control reserved to the general assembly by section 1 of article 14 of the constitution I did not deem it my duty to withhold my approval, but my action on these bills is not intended as a precedent in like cases should they arise in the future.

THOS. G. JONES,

Governor.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bills.

H. 14. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the state, for interest on the public debt, and for public schools.

H. 174. To amend section one of an act approved February 25, 1889, to provide for the payment of costs on convictions of felony where the defendant is sentenced to imprisonment in the penitentiary.

H. 248. To establish a new charter for the city of Birmingham.

H. 258. For the relief of M. A. Jennings of Shelby county.

H. 278. To authorize the city of Bessemer to issue its bonds for an amount not exceeding (\$50,000.00) fifty thousand dollars for the purpose of building and constructing sewers, improving the streets, building school-houses, making other permanent improvements in and paying the floating debt of said city.

H. 328. To ratify and confirm all contracts, sales, conveyances and mortgages made by or to the Alabama State Land company since, November 11, 1886.

H. 329. To ratify and confirm the organization of the Alabama State Land company.

H. 400. to repeal an act "to regulate the issuance of license to sell vinous, spirituous or malt liquors in the county of Morgan," in so far as the same relates to precinct number one of said county.

H. 451. To authorize the court of county commissioners of Greene county to make an order transferring to the general fund of said county the balance of the money now in the hands of the county treasurer of Greene county belonging to the sinking fund, or special fund, created by said court of county commissioners, under the provisions of an act of the general assembly of Alabama, entitled "an act to authorize the court of county commissioners of Greene county to issue bonds for the purpose of compromising the old bonds of said county, issued in aid of Selma, Marion and Memphis railroad, approved February 23rd, 1881, and to authorize the county treasurer of said county, on said order being made by said court of county commissioners, to transfer to the general fund of said county said county said balance of money in his hands as such treasurer, belonging to said sinking fund, or special fund, and to make said money so transferred a part of the general fund of said county.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read a first time and referred to appropriate committees, as follows, to-wit :

- ii. 400, to temperance;
- ii. 328, 451, to judiciary;
- ii. 14, 258, to finance;
- ii. 174, to revision of laws;
- ii. 248, to a special committee, consisting of Messrs. Milner, Handley and Hundley;
- ii. 278, 329, to municipal and county organizations.

BILLS ON THIRD READING.

The bill,

s. 184. To regulate the payment of interest due by the state in New York;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Steagall—25.

The bill,

s. 61. To enlarge and amend the rules of evidence;

Was taken up;

And, on motion of Mr. Parker, postponed and made a special order for January 22, 1891.

The bill,

s. 126. To provide for the recording of bonds for title;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Cowan, Davie, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—25.

The bill,

s. 114. To incorporate the Alabama, Florida and Mississippi Railroad Company, and to further the construction of said railroad;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Nesmith, Parker, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—23.

The bill,

s. 118. To dissolve garnishments in cases where the defendant executes bond to plaintiff;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Williams—22.

The bill,

II, 166. To amend section 128 of the code of 1886;

Was read a third time and passed—yeas 19, nays 4.

Yeas—Mr. President, Berry, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Hundley, Lackey, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Waddell—19.

Nays—Mr. President, Inzer, Minge, Smith of Mobile—4.

The bill,

s. 135. To fix the fees of sheriffs for executing process issued by a justice of the peace;

Was read a third time and passed—yeas 21, nays 8.

Yeas—Mr. President, Compton, Downey, Grant, Godfrey, Handley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—21.

Nays—Messrs. Bradley, Berry, Cowan, Davie, Haralson, Hundley, Nesmith, Smith of Mobile, Wiley—8.

Mr. Wiley moved to reconsider the vote by which the bill was passed;

Carried.

On motion of Mr. Wiley, the vote by which the bill was read a third time was reconsidered.

Mr. Wiley offered an amendment, which was adopted, as follows:

In the 3rd line of the bill, after the word "sheriffs," insert "are hereby required to execute all process coming into their from any justice of the peace court, or issued by any justice of the peace, or notary public, having jurisdiction, ex-officio, as justice of the peace, and for executing such process ;

Also,

Strike out the words, "issued by a justice of the peace."

Mr. Bradley offered an amendment, which was adopted, as follows:

"Provided, this act shall not apply to the counties of Walker, Lamar, Fayette, Marion, and Franklin."

Mr. Milner moved to exclude from the bill "Jefferson county;"

Carried.

Mr. Davie moved to exclude Barbour county;

Carried.

On motion of Mr. Handley, the bill was indefinitely postponed.

The bill,

s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state;

Was read a third time and passed—yeas 29, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—29.

The bill,

s. 154. To amend section 3216 of the code;

Was read a third time and lost—yeas 10, nays 17.

Yeas—Messrs. Bloch, Davie, Downey, Godfrey, Handley, Haralson, Milner, Minge, Smith of Autauga, Williams—10.

Nays—Mr. President, Bradley, Berry, Cowan, Compton, Hundley, Inzer, Lackey, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall—17.

The bill,

s. 148. To provide for the service of process upon domestic corporations by publication in cases where return of "not found" is made by the sheriff;

Was taken up.

Mr. Inzer offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—24.

The bill,

s. 166. To authorize and empower the Nashville, Chattanooga and St. Louis Railway to construct, operate and maintain its road or a branch thereof in and through the counties of Madison, Marshall and Etowah, in the State of Alabama;

Was taken up.

Mr. Hundley moved to lay the amendment on the table.

Lost—yeas 6, nays 22.

Yeas—Messrs. Bloch, Haralson, Harris of Hale, Hayes, Hundley, Nesmith—6.

Nays—Mr. President, Cowan, Compton, Davie, Grant, Godfrey, Handley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—22.

The amendment was adopted as follows:

Amend by striking out in the first section, before the word Huntsville, the words, “some point at or near,” and also after the word Huntsville, the words, “at or near Bell Factory.”

Mr. Hundley offered an amendment as follows:

Strike out in the first section before the word “Huntsville,” the words “some point at or near,” and also, after the word “Huntsville,” the words, “at or near Bell Factory,” and insert at the end of section one the words, “or beginning at Huntsville, in Madison county, and extending thence via Bell Factory, in said county, in and through the counties of Madison, Marshall and Etowah to Attalla or Gadsden in said Etowah county.”

On motion of Mr. Milner the amendment was tabled.

The bill was read a third time and passed—yeas 30, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—30.

On motion of Mr. Cowan, the vote by which the bill, s. 154. To amend section 3216 of the code;

Was lost, was reconsidered; also, the vote ordering the bill to a third reading.

On motion of Mr. Stallworth, the bill was recommitted to the judiciary committee.

RESOLUTIONS.

Mr. Haralson offered a resolution, which was adopted, as follows:

Resolved. That the doorkeeper of the senate is hereby instructed to obtain and furnish comfortable and convenient arrangements in the chamber of the senate for the representatives of the press.

Mr. Handley offered a resolution, which was adopted, as follows:

Resolved, That the committee on finance and taxation be authorized to employ a clerk, and that the clerk be paid for his services the usual amount paid to clerks of committees.

APPOINTMENT OF COMMITTEE.

The president appointed the following committee on the judicial circuits and chancery divisions: Messrs. Godfrey, Stallworth, Stansel, Haralson, Smith of Antauga, and Hundley.

ADJOURNMENT.

At 2:20 p. m., on motion of Mr. Cowan, the senate adjourned.

TWENTY-SECOND DAY.

SATURDAY, December 6, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Wharton of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—28.

The journal of yesterday was approved without being read.

LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Inzer, Reynolds and Davie for one day.

Mr. Haralson, by his request, was excused from service on the special joint committee on the governor's inaugural address, and the president appointed Mr. Grant in his place.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Milner—

s. 212. To regulate the practice of medicine in the State of Alabama;

Judiciary.

By Mr. Smith of Autauga, by request—

s. 213. To amend section 518 of the code;

Finance.

By Mr. Stallworth—

s. 214. To create the thirteenth judicial circuit of the State of Alabama, and to fix the time of holding court therein, and to provide for the appointment and election of a judge and solicitor for said circuit;

Joint committee on the judicial circuits.

By Mr. Smith of Mobile—

s. 215. To aid state and county agricultural fairs;

Agriculture.

s. 216. To amend section 1302 of the code;

Revision of laws.

s. 217. To amend section 4078 of the code;

Revision of laws.

By Mr. Parker—

s. 218. To amend an act to provide for the payment of costs on convictions of felony where the defendant is sentenced to imprisonment in the penitentiary, approved February 25, 1889;

Penitentiary.

By Mr. Stallworth—

s. 219. To amend the charter of the city of Greenville, and the various acts amendatory thereof;

Municipal and county organizations.

Also,

s. 220. To amend the charter of the town of Evergreen, in the county of Conecuh, and to confer upon the mayor and council additional power and authority to levy and collect taxes and licenses in said town, to that conferred in the act to establish a new charter for the town of Evergreen, in Conecuh county, approved February 5, 1881;

Municipal and county organizations.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows :

By Mr. Compton, from judiciary, favorably,

s. 132. To fix the time and place of holding circuit courts in Geneva, Coffee and Dale counties.

s. 178. To provide for the correction of certificates of commissioners appointed to take the depositions of witnesses in certain cases.

ii. 367. To provide for the drawing and summoning petit jurors for the second week of the circuit court of Lamar county for the spring term, 1891, and each ensuing term of said court thereafter.

ii. 110. To amend an act entitled an act to provide for the times of holding the circuit court in the sixth judicial circuit of the state, approved February 19th, 1889, so far as Lamar county is concerned.

s. 106. To regulate garnishments against salaries and wages of persons employed.

s. 103. For the relief of the Columbus Insurance and Banking Company of the State of Mississippi.

s. 172. To amend section 2360 of the code.

s. 181. To amend section 4078 of the code.

s. 5. To require corporations in making deeds or conveyances to real estate to recite in such deeds or conveyances a copy of the written authority of the corporation under which the same are made and when so done such deeds or conveyances shall be in the hands of the purchaser or any one holding under him *prima facie* evidence of authority on the part of the corporation for making the same.

By Mr. Haralson, from local legislation, favorably,

s. 197. To provide for the indexing of the records of deeds to and mortgages of real property in Coosa county.

By Mr. Skeggs, from education, favorably,

s. 188. To provide for the election of the county superintendent of education in the county of Wilcox.

ii. 154. To repeal an act entitled an act to amend section eleven of an act to establish a separate school district to be known as the Cullman school district in Cullman county, Alabama, and for the appointment of a board of trustees for said school district, with certain powers and privileges, approved February 28, 1887.

h. 215. To authorize the board of trustees of the school district of the town of New Decatur to issue bonds of said school district for the purpose of paying the debts of said district, and of erecting, adding to and improving school buildings and furnishing the same.

h. 240. To amend an act entitled an act to provide for the election of county superintendent of education of Dallas county.

h. 255. To provide for the pay and compensation of the superintendent of education of Pike county.

By Mr. Milner, from internal improvements, favorably,

s. 121. To amend section 3217 of the code.

h. 46. To amend the charter of Birmingham Water Works Company.

By Mr. Lackey, from municipal and county organizations, favorably,

h. 153. To establish a new charter for the city of Cullman, Alabama.

By Mr. Milner, from a special committee, favorably,

h. 248. To establish a new charter for the city of Birmingham.

By Mr. Godfrey, from penitentiary, a substitute for,

s. J. R. 5. Joint resolutions relating to the convict system.

By Mr. Smith of Mobile, from agriculture, favorably.

h. 150. To provide for an election in the various beats or parts of beats in the county of Clay, on the subject of stock running at large in the beats or parts of beats in said county.

By Mr. Lackey, from municipal and county organizations, favorably,

h. 329. To ratify and confirm the organization of the Alabama State Land Company.

By Mr. Parks, from revision of laws, adversely,

s. 159. To amend section 2590 of the code of Alabama.

s. 73. Mr. Compton, from the judiciary committee, returned senate bill 73, which was recommitted to the joint committee on the judicial circuits.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has passed,

s. 69. To confirm the incorporation and organization of the

Prattville Cotton Mills, and to define, declare and enlarge the powers of said company and to change the name of the same,

And insists on its amendment to,

s. 36. To make the office of commissioner of agriculture elective;

And asks for a committee of conference thereon; three from the house and two from senate.

Committee on the part of the house, Messrs. Adams, Clayton and Longshore.

And has originated and passed the following bills, and ordered the same to the senate without engrossment:

ii. 369. To provide for elections in Jasper beat, Horse Creek beat, Days Gap beat and Corbon Hill town, Walker county, Alabama, to determine whether or not the selling, giving away or otherwise disposing of spirituous, vinous or malt liquors in the incorporated towns now in said beats shall be prohibited.

ii. 86. To amend sub-division 31 of section 629 of the code of Alabama;

And has concurred in the conference report upon the disagreement of the two houses on the bill.

ii. 88. For the preservation of game animals and birds in the county of Walker;

Also, concurred in the conference report upon the disagreement of the two houses on the bill,

s. 27. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within half a mile of the City Mission church, and the Corinthian Baptist church, in Mobile county.

And has originated and passed the following bills:

ii. 69. To amend the charter of the city of Uniontown, county of Perry, state of Alabama;

s. 94. To amend section two (2) of an act to amend section 1319 of the code, so far as the same relates to the town of Louisville, in Barbour county;

ii. 317. To provide for the sale or lease of school indemnity lands certified to the state of Alabama by the United States and to provide for the disposition of the proceeds thereof;

ii. 381. To incorporate the city of Ozark, in the county of Dale;

ii. 356. To permit the sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, spirituous, vinous or malt liquors and intoxicating bitters, beverages, and fruits

preserved in alcoholic liquors, within the corporate limits of the town of Olio, an incorporated town having police regulations in Barbour county.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read a first time and referred to appropriate committees, as follows :

- ii. 317, 86, to finance ;
- ii. 69, 381, to municipal and county organizations ;
- ii. 94, fo revision of laws ;
- ii. 356, 369, to temperance.

REPORT FROM A JOINT COMMITTEE.

The joint committee on printing, to whom was referred senate resolution to print 1000 copies of the governor's inaugural address, for the use of the senate and house of representatives, have had the same under consideration and recommend the adoption of the resolution.

L. W. GRANT,
Chairman.

The foregoing report was concurred in.

BILLS ON THIRD READING.

The bill.

ii. 144. To amend section 1 of an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties and to authorize elections thereon, approved February 27th, 1889 ;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Milner, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

ii. 146. To establish a charter for the town of Woodlawn, in Jefferson county, Alabama ;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Messrs. Bradley, Berry, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

The bill,

ii. 31. To provide for the permanent location of the county site of Fayette county by the vote of the people of said county;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Messrs. Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—20.

The bill,

ii. 159. To incorporate Farview M. E. church, south, and Friendship Baptist church situated in township 8, range 7, DeKalb county, Alabama, in close proximity, with the following named trustees and their successors in office, viz: James A. Young, James M. Pickens, J. A. Dobbins, Peter F. Stewart and B. D. Ward, chosen by their respective churches;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—23.

The bill,

s. 123. To divide the county of Blount into two circuit court districts, and to provide for the holding of such courts at Oneonta and Bangor, in said county;

Was taken up.

Mr. Skeggs offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

The bill,

s. 124. To authorize and empower the commissioners of Blount county to build a court house and jail at Bangor, in said county;

Was taken up.

Mr. Skeggs offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

The bill,

s. 129. To amend sections 1504 and 1505 of the code so far as the same relates to the town of Centreville, in Bibb county, a town incorporated under the general incorporation law;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—22.

The bill,

s. 133. To provide for paying the accounts of sheriffs against the state;

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas.—Mr. President, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—19.

The bill,

s. 111. To provide an office and create a salary for the superintendent of Bibb county, and to further define his duties;

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Minge, Nesmith, Parker, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—19.

The bill,

ii. 162. To amend section 1174 of the code;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—23.

The bill,

s. 174. To create a new charter for the town of Jacksonville, Alabama;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—23.

The bill was ordered to the house forthwith without engrossment.

The bill,

ii. 32. To provide for the holding of elections in the several beats of Geneva county, to determine whether alcoholic, vinous or malt liquors shall be sold in such beats;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—24.

The bill,

s. 131. To amend section 1319 (1544) of the code;

Was taken up, and, on motion of Mr. Hundley, with the pending amendment, and an amendment proposed by Mr. Milner, postponed and made a special order for January 22, 1891, at 12 o'clock, and 200 copies ordered to be printed.

The bill,

s. 130. To refund to William B. Bell, of Coosa county, money paid by mistake to the superintendent of education;

Was, on motion of Mr. Parker, recommitted to the finance committee.

The bill,

s. 143. To fix the fees of clerks and sheriffs in detinue cases;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

s. 145. To amend section 4854 of the code;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Handley, Haralson, Hayes, Hundley, Lackey, Milner,

Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—23.

The bill,

s. 177. To amend section 3391 (3709) of the code of Alabama;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Lackey, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

s. 171. To repeal an act entitled an act to punish persons who take by net or poison fish in Big Limestone Creek, in Limestone county, approved December 7th, 1888;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Lackey, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

ii. 218. To prevent stock from running at large in Pike county;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Messrs. Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Lackey, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

ii. 50. For the relief of Robert E. Yarbrough, a minor, under eighteen years of age, of Lee county, from the disabilities of non-age;

Was read a third time and passed—yeas 18, nays 2.

Yeas—Messrs. Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Lackey, Milner, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

Messrs. President and Hundley voted no.

The bill,

ii. 349. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating

bitters or beverages within the limits of precinct number one (1) in Jackson county, Alabama;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Lackey, Milner, Minge, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

ii. 49. For the relief of H. McVay Moore, late sheriff of Lauderdale county;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Downey, Grant, Godfrey, Haralson, Harris of Hale, Hayes, Hundley, Lackey, Milner, Minge, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—21.

The bill,

ii. 89. To provide suitable compensation for the superintendent of education of the county of Walker;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Grant, Godfrey, Haralson, Harris of Hale, Hayes, Hundley, Lackey, Milner, Minge, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

s. 168. To amend section 4648 of the code, in reference to the number of convicts to be hired to one person;

Was taken up, and the substitute adopted with caption, as follows:

s. 168. To amend section 4648 of the code.

The bill was read a third time and passed—23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Haralson, Harris of Hale, Hundley, Lackey, Milner, Minge, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

s. 180. To repeal an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters, at or within certain localities in this state therein designated, to-wit, in Spring Hill, Marengo county, and within six miles thereof and various other places, approved February 28, 1881, so far as the same applies to Van Dorn, Marengo county, and the territory adjacent thereto for one hundred yards;

Was read a third time and passed—yeas 22, nays, 1.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Haralson, Hundley, Lackey, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

Mr. Harris of Hale voted no.

ADJOURNMENT.

At 1: 40 o'clock p. m., on motion of Mr. Milner, the senate adjourned.

TWENTY-THIRD DAY.

MONDAY, December 8, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Burkhead of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—31.

The journal of Saturday was approved without being read.

MOTION FOR A RECESS.

Mr. Grant moved that when the senate adjourn to-day, that it adjourn to re-assemble at four o'clock p. m. Carried.

LEAVE OF ABSENCE.

Mr. Haralson was granted leave of absence for Wednesday, and Mr. Skeggs for two days.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows :

By Mr. Downey—

s. 221. To provide the mode of apportionment of the public school funds of this state by the superintendent of education ;
Education.

Also,

s. 222. To repeal section 1011, and to repeal in part, section 1012 of the code ;
Education.

By Mr. Harris of Lee—

s. 223. To authorize the Opelika Police Board to order an election in the city of Opelika ;
Municipal and county organizations.

By Mr. Godfrey—

s. 224. To require the commissioners court of Sumter county to appropriate money from the general fund of the county, from which to pay the claims against the fine and forfeiture funds of said county and to provide the manner of such payment ;

Local legislation.

By Mr. Lackey—

s. 225. To establish in this state a school for the education of the deaf mute and blind children of the colored race ;
Finance.

By Mr. Skeggs—

s. 226. To amend section one of an act entitled an act to confirm the incorporation of the town of New Decatur, in the county of Morgan, and to enlarge and define the corporate powers of said town, approved February 13th, 1889 ;

Municipal and county organizations.

By Mr. Bloch—

s. 227. To create and establish an industrial institute in the state of Alabama, and a college for the education of white girls in the arts and sciences ;

Education.

By Mr. Parker—

s. 228. To amend section 3781 of the code ;
Revision of laws.

By Mr. Harris of Hale—

s. 229. To punish the intimidation of voters at any election held in this state ;

Judiciary.

By Mr. Smith of Mobile—

s. 230. To amend section 1309 of the code ;
Revision of laws.

ORDER TO PRINT.

On motion of Mr. Downey, 100 copies of the senate bills 221 and 222 were ordered printed for the use of the senate.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested :

II. 49. For the relief of H. McVay Moore, late sheriff of Lauderdale county.

II. 50. For the relief of Robert E. Yarbrough, a minor, under eighteen years of age, of Lee county, from the disabilities of non-age.

II. 88. For the preservation of game animals and birds in the county of Walker;

II. 89. To provide suitable compensation for the superintendent of education of the county of Walker.

II. 166. To amend section 128 of the code of 1886.

II. 333. To incorporate the city of Girard in Russell county.

II. 349. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or beverages within the limits of precinct number one (1) in Jackson county, Alabama.

II. 31. To provide for the permanent location of the county site of Fayette county by the vote of the people of said county.

II. 32. To provide for the holding of elections in the several beats of Geneva county to determine whether alcoholic, vinous or malt liquors shall be sold in such beats.

II. 146. To establish a charter for the town of Woodlawn, in Jefferson county, Alabama.

II. 162. To amend section 1174 of the code.

II. 159. To incorporate Fairview M. E. church, south, and Friendship Baptist church, situated in T. 8, R. 7, DeKalb county, Alabama, in close proximity with the following named

trustees and their successors in office, viz : Jas. A. Young, Jas. M. Pickens, J. A. Dobbins, Peter F. Stewart and B. D. Ward, chosen by their respective churches.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills set out in the foregoing house message.

MESSAGE FROM THE HOUSE.

Mr. President :

II. 7. To prevent the sale, furnishing, giving or providing to any minor under eighteen years of age of cigarettes, tobacco or cigarette paper or any substitute therefor;

And has originated and passed and ordered forthwith to the senate without engrossment the bills,

II. 505. To establish a new charter for the town of Dothan, in Henry county.

II. 320. To amend and revise the charter of the town of Piedmont.

II. 439. To prevent stock from running at large in beats two, three and seventeen, in Coosa county.

II. 430. To ratify and confirm the re-organization of the People's Savings Bank, as the People's Bank, and to declare the powers and term of life of the Peoples Bank.

II. 274. To authorize the mayor and aldermen of Birmingham to issue bonds of said city for an amount not more than four hundred and fifty thousand dollars (\$450,000.00) for the purposes of building and constructing sewers in the said city, and extending sewer mains leading from said city to such point as the board may deem advisable, and for building school houses and furnishing the same, and for paving or macadamizing the streets of said city, and making other permanent improvements in said city, and in improving the cemetery ground heretofore purchased by said city, and in paying whatever floating or outstanding debts said city may have on the 1st day of January, 1891, not to exceed thirty-five thousand dollars (\$35,000.00).

preserved in alcoholic liquors, within the corporate limits of the town of Olio, an incorporated town having police regulations in Barbour county.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read a first time and referred to appropriate committees, as follows :

- ii. 317, 86, to finance ;
- ii. 69, 381, to municipal and county organizations ;
- ii. 94, fo revision of laws ;
- ii. 356, 369, to temperance.

REPORT FROM A JOINT COMMITTEE.

The joint committee on printing, to whom was referred senate resolution to print 1000 copies of the governor's inaugural address, for the use of the senate and house of representatives, have had the same under consideration and recommend the adoption of the resolution.

L. W. GRANT,
Chairman.

The foregoing report was concurred in.

BILLS ON THIRD READING.

The bill.

ii. 144. To amend section 1 of an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties and to authorize elections thereon, approved February 27th, 1889 ;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Milner, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

ii. 146. To establish a charter for the town of Woodlawn, in Jefferson county, Alabama ;

Was read a third time and passed—yeas 22, nays 0.

The foregoing report of the conference committee was concurred in—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—28.

REPORTS OF COMMITTEES.

Bills were reported from committees and read a second time, as follows:

By Mr. Handley, from finance, with amendments, favorably,

ii. 14. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the state, for interest on the public debt, and for public schools;

Also, favorably,

ii. 86. To amend sub-division thirty-one (31) of section 629 of the code of Alabama;

Also, favorably,

ii. 317. To provide for the sale or lease of school indemnity lands certified to the state of Alabama by the United States, and to provide for the disposition of the proceeds thereof.

By Mr. Parks, from revision of laws, with amendment, favorably,

ii. 147. To amend section 3780 (4346) of the code;

Also, favorably,

ii. 174. To amend section one of an act approved February 25, 1889, to provide for the payment of costs on convictions of felony where the defendant is sentenced to imprisonment in the penitentiary.

By Mr. Lackey, from municipal and county organizations, favorably,

ii. 264. To amend the charter of the city of Anniston.

By Mr. Downey, from temperance, with an amendment, favorably,

ii. 400. To repeal an act "to regulate the issuance of license to sell vinous, spirituous or malt liquors in the county of Morgan," in so far as the same relates to precinct number one of said county.

By Mr. Hayes, from immigration, favorably,

s. 10. To provide for a department of immigration and a commissioner of immigration.

By Mr. Lackey, from municipal and county organizations, favorably.

s. 220. To amend the charter of the town of Evergreen in the county of Conecuh, and to confer upon the mayor and council additional power and authority to levy and collect taxes and licenses in said town, to that conferred in the act to establish a new charter for the town of Evergreen in Conecuh county, approved February 5th, 1881;

s. 219. To amend the charter of the city of Greenville, and the various acts amendatory thereof;

s. 190. To provide for establishing a certain portion of the line between the states of Alabama and Georgia, where the same divides the counties of Cherokee in the state of Alabama and the county of Polk in the state of Georgia; to provide for the appointment of persons to establish said line and to appropriate money to pay the expenses thereof;

ii. 149. To authorize the Parker Memorial Baptist Church of Anniston, Alabama, to hold real and personal property to the value of not exceeding one hundred and fifty thousand dollars.

ii. 6. To amend section two of an act to incorporate the Anniston Loan and Trust Company, of Anniston, Alabama, approved February 28th, 1889.

On motion of Mr. Hundley, house bills 14 and 86 were made special orders after the call of committees to-morrow.

On motion of Mr. Grant, house bill 317 was made a special order for to-morrow after the call of committees.

BILLS ON THIRD READING.

The bill,

s. 132. To fix the time and place of holding circuit court in Geneva, Coffee and Dale counties;

Was recommitted to the joint committee on the judicial circuits, on motion of Mr. Stallworth.

The bill,

s. 178. To provide for the correction of certificates of commissioners appointed to take the depositions of witnesses in certain cases;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Milner, Minge, Nesmith,

Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—26.

The bill,

h. 367. To provide for the drawing and summoning petit jurors for the second week of the circuit court of Lamar county for the spring term, 1891, and each ensuing term of said court hereafter;

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Waddell, Williams—27.

The bill,

h. 110. To amend an act entitled an act to provide for the times of holding the circuit court in the sixth judicial circuit of the state, approved February 19, 1889, so far as Lamar county is concerned;

Was read a third time and passed—yeas 33, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—33.

The bill,

s. 106. To regulate garnishments against salaries and wages of persons employed;

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—27.

The bill,

s. 103. For the relief of the Columbus Insurance and Banking Company of the state of Mississippi;

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—28.

The bill was ordered forthwith to the house without engrossing.

The bill,

s. 172. To amend section 2360 of the code ;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Waddell, Wiley, Williams—26.

The bill,

s. 181. To amend section 4078 of the code ;

Was taken up.

Mr. Smith offered an amendment, as follows :

Provided, that any person being a regular graduate of the Medical College of Alabama, shall be allowed to practice medicine in this state without further examination.

Mr. Davie moved to lay the amendment on the table.

Lost—yeas 15, nays 15.

Yeas—Messrs. Berry, Davie, Downey, Grant, Godfrey, Inzer, Lackey, Parker, Parks, Skeggs, Stallworth, Stansel, Steagall, Waddell, Wiley—15.

Nays—Mr. President, Bradley, Bloch, Cowan, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Milner, Minge, Nesmith, Smith of Autauga, Smith of Mobile, Williams—15.

The amendment was lost.

The bill was read a third time and passed—yeas 26, nays 1.

Yeas—Mr. President, Berry, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—26.

Mr. Smith of Mobile voted no.

The bill,

s. 5. To require corporations in making deeds or conveyances to real estate to recite in such deeds or conveyances a copy of the written authority of the corporation under which the same are made, and when so done, such deeds or conveyances shall be in the hands of the purchaser, or any one holding under him *prima facie* evidence of authority on the part of the corporation for making the same ;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—24.

The bill,

s. 197. To provide for the indexing of the records of deeds to and mortgages of real property in Coosa county.

The bill was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—26.

The bill,

s. 188. To provide for the election of the county superintendent of education in the county of Wilcox;

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—28.

RECESS.

At 1:30 o'clock p. m., on motion of Mr. Downey, the senate took a recess till 4 o'clock, p. m.

AFTERNOON SESSION.

The senate reassembled at 4 o'clock, p. m., a quorum present.

BILLS ON THIRD READING.

The bill,

n. 154. To repeal an act entitled an act to amend section eleven of an act to establish a separate school district to be

known as the Cullman school district in Cullman county, Alabama, and for the appointment of a board of trustees for said school district, with certain powers and privileges, approved February 28, 1887;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Downey, Godfrey, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

II. 215. To authorize the board of trustees of the school district of the town of New Decatur to issue bonds of said school district for the purpose of paying the debts of said district, and of erecting, adding to and improving school buildings and furnishing the same;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Godfrey, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Minge, Nesmith, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—20.

The bill,

II. 240. To amend an act entitled an act to provide for the election of county superintendent of education of Dallas county;

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—27.

The bill,

II. 255. To provide for the pay and compensation of the superintendent of education of Pike county;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—25.

The bill,

II. 46. To amend the charter of Birmingham Water Works *Company*;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

s. 121. To amend section 3217 of the code;

Was recommended to the committee on the judiciary.

The bill,

n. 153. To establish a new charter for the city of Cullman, Alabama;

Was taken up.

Mr. Skeggs offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

n. 248. To establish a new charter for the city of Birmingham;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Milner, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—22.

The joint resolution,

s. J. R. 5. Joint resolution relating to the convict system;

Was on motion of Mr. Stallworth postponed and made the special order for January 22, 1891, and 150 copies of the joint resolution and substitute were ordered printed.

The bill,

n. 150. To provide for an election in the various beats or parts of beats in the county of Clay, on the subject of stock running at large in the beats or parts of beats in said county;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Inzer, Lackey, Milner, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

n. 329. To ratify and confirm the organization of the Alabama State Land company;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

s. 170. To establish a new charter for the city of Decatur :

Was on motion of Mr. Skeggs postponed and made a special order for January 23d, 1891.

The bill,

s. 163. To authorize and empower the governor of Alabama to issue a patent to the heirs of John Henderson, deceased, to the northwest fourth of the northeast fourth and the northeast fourth of the northwest fourth of section sixteen, township eighteen of range five, east, in Talladega county ;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Minge, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

s. 159. To amend section 2590 of the code of Alabama :

Was, on motion of Mr. Grant, postponed, and made a special order for January 23rd, 1891.

ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled :

s. 17. To amend section 1476 of the code. (Relating to notice to father, mother or person in custody of child, in apprentice proceedings).

s. 18. To amend and confirm the charter of the Fort Payne Coal and Iron Company, a corporation organized under the general incorporation laws of the state.

s. 32. To amend an act entitled an act to incorporate the town of Courtland, in the county of Lawrence, approved December 16th, 1873.

s. 44. To amend section 750 of the code so far as the same applies to the counties of Lamar, Fayette, Marion and Franklin.

s. 27. To prohibit the selling, giving away, or otherwise disposing of any spirituous, vinous or malt liquors, intoxicating beverages or bitters, or fruits preserved in alcoholic liquors within a half-mile by the most commonly travelled route of the City Mission Methodist Church, and the Corinthian Baptist Church in Mobile county; or within that portion of Baldwin county, lying north of the Louisville and Nashville railroad; or within eight miles of Oak Grove Church in Pickens county; or within six miles of the Branch Agricultural Station and school at Abbeville, in Henry county; or within seven miles of Emory Chapel Church, in Pickens county; or within two miles of Liberty Church, in Henry county; or within three miles of Antioch Church, near Elizabeth Postoffice, in Coffee county; or within two miles of Shilo, Pleasant Hill, and Friendship Missionary Baptist Churches, in Geneva county; or within two miles of Wesley Chapel, Pond Town, Hurricane Creek, and Tabernacle M. E. Churches in Geneva county; or within the county of DeKalk; or within two miles of the Industrial High School at Healing Springs, in Washington county; or within two miles of Pinetucky Church, in Cleburne county; or within five miles of LaFayette College, in LaFayette, Ala., in Chambers county; or within five miles of Mountain Spring Baptist Church, in Chambers county; or within beat twelve (12) in the county of Butler, except in the corporate limits of the city of Greenville; or within two miles of Daleville Methodist, or Baptist Churches in Dale county; or within three miles of Pilgrim's Rest Baptist Church, and Morton's Chapel Methodist Church, in Etowah county; or within five miles of Oak Grove Church, Fellowship* Church, Centre Church, and Union Springs Church, in Henry county; or nearer New Mount Bethel Church, in Cross Roads beat, number four (4) township and (2), range eight (8), in Lauderdale county, than the beat line in every direction from said church; or within three miles in any direction of Hebron Baptist Church, in township twenty (20), range fifteen (15), Pickens county; or within four miles of Lebanon Church or school-house, in Limestone county; or within four miles of Shady Grove Methodist Church, in Pike county; or within two miles of Mount Hope and Livingston's Chapel Churches, in Cullman county; also, within three miles of Bristow's Church, situated at Keener, in Etowah county; or within three miles of Pleasant Ridge Missionary Church, in Red Ridge, beat nine, in Tallapoosa county;

or within two miles of the Methodist Protestant Church, at Macedonia, in township nineteen, range twenty-two, in Tallapoosa county, or within five miles of Holly Pond Baptist Church, in Cullman county; or within four miles of O'Neal's School House, in Limestone county; or within the limits of Perry county, except the towns of Marion and Uniontown; or within five miles of Cumberland Church, in Larkinsville, Jackson county; or within the limits of precinct number 10 in Jackson county; or within a half-mile of four-mile post Methodist Church in Mobile county.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing report of committee on enrolled bills.

PRIVILEGED QUESTION.

Mr. Grant arose to a question of privilege, and moved to reconsider the vote by which the senate concurred in the house amendment to the senate joint resolution appointing a committee to consider that portion of the governor's inaugural address, relating to the advisability of having a constitutional convention.

And the motion to reconsider prevailed.

The senate then non-concurred in said house amendment.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in the conference report on the bill,

ii. 170. To prohibit the sale, giving away of, or otherwise disposing of intoxicating liquors within one-half ($\frac{1}{2}$) mile in every direction of Bethel Church, at Adams' Cotton Mills, near the city of Montgomery.

And has originated and passed and ordered forthwith to the senate without engrossment,

ii. 48. To authorize the increase of the capital stock and

bonded indebtedness of private corporations organized under special charters.

And has amended as therein shown, and, as amended, has passed the senate bill,

s. 128. To provide for the assessment and collection of taxes in the county of Tallapoosa, for the years 1891 and 1892.

B. F. ELMORE,

Clerk.

HOUSE MESSAGE.

The house bill 48 was read a first time and referred to the committee on municipal and county organizations.

The senate concurred in the house amendment to the senate bill 128, in the foregoing message—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams.—22.

RESOLUTION.

Mr. Handley offered a resolution, which was adopted, as follows:

Resolved, that the date of the employment of John A. Elmore, as clerk of the finance committee of the senate be fixed as Nov. 2nd, the date of his actual employment by said committee, and that he be authorized to draw pay as clerk from that time.

ADJOURNMENT.

At 5:30 o'clock p. m., on motion of Mr. Hundley, the senate adjourned.

TWENTY-FOURTH DAY.

TUESDAY, December 9, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Burkhead of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—30.

The journal of yesterday was approved without being read.

LEAVE OF ABSENCE.

Messrs. Bloch and Inzer were granted leave of absence for Wednesday.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Inzer—

s. 231. To authorize the removal of cases pending before one justice of the peace or notary public, with justice jurisdiction to another justice of the peace, or notary public, with justice jurisdiction, of the same precinct, or of an adjoining precinct;

Judiciary.

By Mr. Milner—

s. 232. To authorize the intendant and councilmen of the town of Highlands, in the county of Jefferson, to issue bonds of said town for an amount not exceeding seventy-five thousand (\$75,000) dollars, for the purpose of building and constructing sewers, and making other permanent improvements in said town, and paying off floating debt of said town;

Municipal and county organizations.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested :

ii. 46. To amend the charter of the Birmingham Water Works Company.

ii. 110. To amend an act entitled an act to provide for the times of holding the circuit court in the sixth judicial circuit of the state, approved February 19th, 1889, so far as Lamar county is concerned.

ii. 170. To prohibit the sale, giving away of or otherwise disposing of intoxicating liquors within one half ($\frac{1}{2}$) mile in every direction of Bethel church at Adams cotton mills near the city of Montgomery.

ii. 218. To prevent stock from running at large in Pike county ;

ii. 367. To provide for the drawing and summoning petit jurors for the second week of the circuit court of Lamar county for the spring term, 1891, and each ensuing term of said court thereafter.

ii. 215. To authorize the board of trustees of the school district of the town of New Decatur to issue bonds of said school district for the purpose of paying the debts of said district, and of erecting, adding to and improving school buildings and furnishing the same.

ii. 142. To make the fees of bonded constables in the counties of Tuscaloosa, Madison, Etowah, St. Clair, Coosa, Clay, Chambers, Macon, Elmore, Russell, Henry, Colbert, Lee, Dallas, Cherokee, Pickens, Chilton, Calhoun, Fayette, Bibb, Escambia, Crenshaw, Cleburne, Talladega, Tallapoosa, Morgan, Blount, Pike, DeKalb, Lauderdale, Limestone, Winston, Bullock, Baldwin, Marshall and Lawrence, the same as sheriffs fees when they perform the same or similar service.

ii. 29. To amend sections two and five of an act entitled an act to establish a new charter for the city of Gadsden, approved January 27, 1883.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate,

immediately after their titles had been publicly read, signed the bills set out in the foregoing message.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows :

By Mr. Compton, from judiciary, favorably, with amendment,

s. 146. For protecting mines in Alabama;

ii. 182. To make the husband or wife of the defendant competent to testify as a witness in all prosecutions for bigamy and adultery or fornication;

Also, favorably,

ii. 67. To amend an act entitled an act to more effectually secure competent and well qualified jurors in the county of Montgomery, approved February 21, 1887;

s. 208. To fix the number of representatives in the house of representatives of the general assembly of this state, and to apportion them among the several counties of the state;

s. 209. To provide for senatorial representation in the general assembly of Alabama;

ii. 141. To increase the jurisdiction of justices of the peace in Tuskaloosa, Blount, Crenshaw, Fayette, Cherokee, Macon, Morgan and Chilton counties;

ii. 328. To ratify and confirm all contracts, sales, conveyances and mortgages made by or to the Alabama State Land company since November 11, 1886;

ii. 204. To prescribe the time in which bills of exception must be filed in the criminal court of Jefferson county;

ii. 193. To authorize and empower the commissioners' court to have a general index made for the records in the probate courts of Choctaw and Coosa counties;

ii. 451. To authorize the court of county commissioners of Greene county to make an order transferring to the general fund of said county the balance of the money now in the hands of the county treasurer of Greene county belonging to the sinking fund, or special fund, created by said court of county commissioners, under the provisions of an act of the general assembly of Alabama, entitled "an act to authorize the court of county commissioners of Greene county to issue bonds for the purpose of compromising the old bonds of said county, issued in aid of Selma, Marion and Memphis railroad,

approved February 23rd, 1881, and to authorize the county treasurer of said county, on said order being made by said court of county commissioners, to transfer to the general fund of said county said balance of money in his hands as such treasurer, belonging to said sinking fund, or special fund, and to make said money so transferred a part of the general fund of said county.

By Mr. Handley, from finance, favorably,
s. 213. To amend section 518 of the code.

By Mr. Parks, from revision of laws, favorably,
n. 94. To amend section two (2) of an act to amend section 1319 of the code, so far as the same relates to the town of Louisville, in Barbour county;

n. 7. To prevent the sale, furnishing, giving or providing to any minor, under eighteen years of age, of cigarettes, tobacco or cigarette paper, or any substitute therefor.

By Mr. Haralson, from local legislation, favorably,
n. 439. To prevent stock from running at large in beats two, three and seventeen in Coosa county.

By Mr. Lackey, from municipal and county organizations, favorably,

n. 48. To authorize the increase of the capital stock and bonded indebtedness of private corporations organized under special charters;

n. 320. To amend and revise the charter of the town of Piedmont;

s. 211. To amend an act to incorporate the town of Northport, approved February 12, 1879;

n. 430. To ratify and confirm the re-organization of the People's Savings Bank, as the People's Bank, and to declare the powers and term of life of the Peoples Bank;

s. 223. To authorize the Opelika Police Board to order an election in the city of Opelika;

n. 505. To establish a new charter for the town of Dothan, in Henry county;

n. 274. To authorize the mayor and aldermen of Birmingham to issue bonds of said city for an amount not more than four hundred and fifty thousand dollars (\$450,000.00) for the purposes of building and constructing sewers in the said city, and extending sewer mains leading from said city to such point as the board may deem advisable, and for building school houses and furnishing the same, and for paving or macadamizing the streets of said city, and making other permanent im-

provements in said city, and in improving the cemetery grounds heretofore purchased by said city, and in paying whatever floating or outstanding debts said city may have on the 1st day of January, 1891, not to exceed thirty-five thousand dollars (\$35,000.00);

ii. 381. To incorporate the city of Ozark, in the county of Dale;

ii. 87. To amend section 2, and paragraphs 5, 7, 9, 10 and 13, and section 4, and sections 9 and 10 of an act entitled "An act to provide for a charter for the city of Jasper, in Walker county, Alabama," approved February 6, 1889;

ii. 278. To authorize the city of Bessemer to issue its bonds for an amount not exceeding (\$50,000.00) fifty thousand dollars for the purpose of building and constructing sewers, improving the streets, building school-houses, making other permanent improvements in and paying the floating debt of said city;

Also, with amendment,

ii. 109. To establish a new charter for the town of Pratt Mines, in Jefferson county.

By Mr. Cowan, from temperance, favorably.

ii. 356. To permit the sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, spirituous, vinous or malt liquors and intoxicating bitters, beverages, and fruits preserved in alcoholic liquors, within the corporate limits of the town of Clio, an incorporated town having police regulations in Barbour county.

By Mr. Compton, from judiciary, adversely.

s. 179.* To provide for the distribution of the money received by the state of Alabama each year, in pursuance of the act of congress, approved March 2, 1887, and known as the Hatch act, which is entitled "an act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July 2, 1862, and of the acts amendatory thereto."

By Mr. Milner, from internal improvements, adversely;

s. 15. To prohibit the running of freight trains on the Sabbath day in the state of Alabama.

On motion of Mr. Inzer, senate bill 15, was made a special order for January 25, 1891, and one hundred copies ordered printed.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bills:

ii. 11. To establish a separate school district in Dale county to be known as Dean's school district.

ii. 230. To amend subdivision 11 of section 453 of the code.

ii. 315. To incorporate Union Springs Male and Female Institute.

ii. 191. To repeal an act entitled an act to establish a court of county revenues for Chilton county, approved February 28, 1887.

ii. 232. To authorize the payment of fines and forfeitures in Walker county with the claims of the officers of said county, which are now or may hereafter be registered against the fine and forfeiture fund of Walker county.

ii. 314. To establish the Cleveland school district in Blount county.

ii. 186. To amend subdivision 18 of section 137 of the code.

ii. 233. To amend section four of an act entitled an act, in relation to trials of misdemeanors in Walker county, approved February 23, 1883.

ii. 99. To allow the probate judge, clerk of the circuit court, and sheriff of Dale county, to sell and dispose of their claims against the fine and forfeiture fund in Dale county, and to make said claims receivable in payment of fines and forfeitures, just as state witness claims against said fund are now receivable and payable under the statute of Alabama.

ii. 440. To regulate the pay of the judge of probate and clerk of the circuit court of Covington county for services ex-officio.

ii. 151. To provide for a vote of the people on the question of the removal of the court house of Crenshaw county, Alabama, to Luverne, and providing for such removal if the people so decide.

BENJ. F. ELMORE,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has passed the bills,

s. 86. To regulate the disposition of fines arising from prosecutions under the laws of this state for cruelty to children and animals.

s. 150. To provide for the holding of the circuit courts in the counties of Covington, Conecuh, Pike and Butler.

s. 63. To incorporate Tennessee River, Ashville and Coosa Railway Company, and to further the construction thereof.

And has adopted the joint resolution relative to the certificate by the secretary of the interior to the governor, as to the census of the different counties in Alabama.

The house has concurred in the senate amendment to

ii. 153. To establish a new charter for the city of Cullman, Alabama;

And insists on its amendment to the senate joint resolution relative to the appointment of a committee to consider the governor's inaugural address on the question of a constitutional convention and asks for a committee of conference thereon.

Committee on the part of the house, Messrs. Northington, Brewer, and Davis of Fayette.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read a first time and referred to appropriate committees, as follows:

ii. 11, 314, to education;

ii. 230, to internal improvements;

ii. 315, to municipal and county organizations;

ii. 191, 232, 233, 99, 440, to local legislation;

ii. 186, to agriculture;

ii. 151, to privileges and elections.

The senate concurred in the house joint resolution in the above messages regarding the census.

The senate, also, acceded to the request of the house for a committee of conference on the house amendment to the senate joint resolution in the foregoing house message.

The president appointed on said committee, Messrs. Godfrey, Parker, and Smith of Autauga.

BILLS ON THIRD READING.

The bill.

H. 149. To authorize the Parker Memorial Baptist church of Anniston, Alabama, to hold real and personal property to the value of not exceeding one hundred and fifty thousand dollars;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—24.

The bill.

H. 14. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the state, for interest on the public debt, and for public schools;

Was taken up, and the pending amendments adopted.

The bill was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell—26.

The bill.

H. 86. To amend subdivision thirty-one (31) of Section 629 of the code of Alabama;

Was read a third time and passed—yeas 23 nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Inzer, Milner, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—23.

The bill.

H. 264. To amend the charter of the city of Anniston;

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Handley, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Reynolds, Smith of Mobile, Stallworth, Stansel, Steagall—19.

The bill.

n. 400. To repeal an act "to regulate the issuance of license to sell vinous, spirituous or malt liquors in the county of Morgan," in so far as the same relates to precinct number one of said county;

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bloch, Cowan, Compton, Downey, Grant, Handley, Harris of Hale, Harris of Lee, Inzer, Milner, Minge, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—19.

The bill,

s. 10. To provide for a department of immigration and a commissioner of immigration;

Was, on motion of Mr. Bloch, postponed, and made a special order for January 23, 1891, and 200 copies ordered printed.

The bill,

s. 220. To amend the charter of the town of Evergreen, in the county of Conecuh, and to confer upon the mayor and council additional power and authority to levy and collect taxes and licenses in said town, to that conferred in the act to establish a new charter for the town of Evergreen in Conecuh county, approved February 5, 1881;

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—26.

The bill,

s. 219. To amend the charter of the city of Greenville, and the various acts amendatory thereof;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Handley, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

The bill,

s. 190. To provide for establishing a certain portion of the line between the states of Alabama and Georgia, where the same divides the county of Cherokee, in the state of Alabama, and the county of Polk, in the state of Georgia; to provide for the appointment of persons to establish said line, and to appropriate money to pay the expenses thereof;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Milner, Minge, Nesmith, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Williams—22.

The bill,

ii. 317. To provide for the sale or lease of school indemnity lands certified to the state of Alabama by the United States, and to provide for the disposition of the proceeds thereof;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Reynolds, Stansel, Steagall, Waddell—21.

The bill,

s. 147. To amend section 3780 (4346) of the code;

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Milner, Minge, Parker, Reynolds, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

ii. 174. To amend section 1 of an act approved February 25, 1889, to provide for the payment of costs on convictions of felony where the defendant is sentenced to imprisonment in the penitentiary;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Parker, Reynolds, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

ii. 6. To amend section two of an act to incorporate the Anniston Loan and Trust Company of Anniston, Alabama, approved February 28th, 1889;

Was read a third time and passed—yeas 25, nays, 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Harris of Lee, Handley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

RESOLUTIONS.

Mr. Stansel offered a resolution, which was adopted, as follows :

Resolved, That the president of the senate is hereby authorized to certify to the *per diem* of F. M. Reese, clerk of the judiciary committee from the first day of the session.

Mr. Davie offered a resolution,

Relative to instructing the judiciary committee to inquire into the distribution of the public school fund of this state, and to report thereon ;

Which was adopted.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has non-concurred in the senate amendment to, H. 14. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the state, for interest on the public debt, and for public schools.

And asks a committee of conference thereon.

Committee on part of the house, Messrs. Scott, Buck, and Townsend of Pike.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The senate acceded to the request of the house for a committee of conference on the house bill n. 14 ; and the president of the senate appointed on said committee, Messrs. Hundley, Grant and Compton.

RECESS.

At 1:30 o'clock p. m., on motion of Mr. Hundley, the senate took a recess till 4:30 o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at 4:30 p. m., a quorum present.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled, viz :

s. 43. To amend an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved February 28, 1889.

s. 62. To incorporate the Lineville college, at Lineville, Clay county, Alabama.

s. 63. To incorporate Tennessee River, Ashville, and Coosa Railway Company and to further the construction thereof.

s. 150. To provide for the holding of the circuit courts in the counties of Covington, Conecuh, Pike and Butler.

s. 9. To amend an act to allow constable of Troy beat, Pike county, and the constable of beat No. 21, in Jefferson county, Alabama, to appoint deputies, approved February 12th, 1885.

s. 69. To confirm the incorporation and organization of the Prattville cotton mills, and to define, declare and enlarge the powers of said company, and to change the name of the same.

s. 86. To regulate the disposition of fines, arising from prosecutions under the laws of this state for cruelty to children and animals.

s. 128. To provide for the assessment and collection of taxes in the county of Tallapoosa, for the years 1891 and 1892.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested, viz :

h. 70. To authorize the mayor and council of the city of Uniontown, to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, bearing six per cent interest, payable semi-annually, for the purpose of erecting or providing said city with water works and for funding the indebtedness of said city.

h. 144. To amend section 1 of an act to prevent stock from running at large in the several beats of Randolph and

Calhoun counties, an to authorize e'ections thereon, approved February 27, 1889

H. 255. To provide for the pay and compensation of the superintendent of education of Pike county.

H. 317. To provide for the sale or lease of school indemnity lands certified to the State of Alabama by the United States, and to provide for the disposition of the proceeds thereof.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills set out in the foregoing report of committee on enrolled bills and house message.

MESSAGE FROM THE GOVERNOR.

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALA. Dec. 9, 1890.

Mr. President:

I am directed by his excellency the governor, to communicate to the senate messages in writing.

Respectfully,
HARVEY E. JONES,
Rec. Sec'y.

The governor's messages were read, as follows:

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, December 9, 1890.

Gentlemen of the Senate and of the House of Representatives:

In answer to your resolution, I have the honor to inform the general assembly that "the secretary of the interior of the United States" has not "certified to this office the population of the state of Alabama by counties," or furnished any other information on the subject.

A telegram has been sent to the secretary of the interior, requesting him to mail at once the desired information.

THOS. G. JONES,
Governor.

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALA., Decemer 9, 1890.

Gentlemen of the Senate and of the House of Representatives:

I have the honor to inform the general assembly that on the 3rd inst., as ex-officio commissioner, under an act "to ratify and confirm the settlement of the existing indebtedness of this state, as proposed in the report of the commissioners appointed under the act approved 17th of December, 1874, and which was communicated to the general assembly by message of the governor of 24th January, 1876, and to carry said settlement into effect by the issuance of new bonds of this state at a reduced rate of interest, in adjustment of a portion of said indebtedness, and the surrender of certain securities held by the state in discharge of another portion of said indebtedness, approved February 23, 1876," I executed to ex-Governor Thomas Seay, the following receipt:

MONTGOMERY, ALA., December 3, 1890.

Received of Gov. Thomas Seay the following bonds, which were authorized and issued under the act approved February 23, 1876: •

Class "A" bonds of the denomination of \$500, numbered from 7428 to 8000, both inclusive; and of the denomination of \$100, numbered from 9165 to 9400, both inclusive, and numbered 8001 to 8350, both inclusive; class "B" bonds of the denomination of \$1000, numbered from 540 to 596, both inclusive; class "C" bonds, numbered 970 to 1000, both inclusive.

RECAPITULATION.

Class "A," \$500, numbered 7428 to 8000, both inclusive;
Class "A," \$100, numbered 9165 to 9400, both inclusive;
Class "A," \$100, numbered 8001 to 8350, both inclusive;
Class "B," \$1000, numbered 540 to 596, both inclusive;
Class "C," \$1000, numbered 970 to 1000, both inclusive.

It appears from his receipt to his predecessor, and from the record of exchanges made during his term of office, that the bonds for which I gave him a receipt are all with which he is chargeable.

THOS. G. JONES,
Governor.

The governor's message, in reference to the bonds received from Governor Seay, was referred to the committee on finance.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in the report of the conference committee on the disagreement of the two houses as to

n. 14. To make appropriation for the ordinary expenses of the executive, legislative and judicial departments of the state, for interest on the public debt, and for public schools;

And has concurred in the senate amendment to

n. 400. To repeal an act "to regulate the issuance of license to sell vinous, spirituous or malt liquors in the county of Morgan," in so far as the same relates to precinct number one of said county;

And has concurred in the report of the conference committee on the disagreement of the two houses as to the senate joint resolution with reference to the appointment of a committee to consider of a constitutional convention;

And has adopted the joint resolution herewith sent with reference to asking of congress an increased appropriation to open the Black Warrior river, north of Tuscaloosa, Alabama.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house joint resolution in the foregoing house message was concurred in.

REPORT OF A COMMITTEE OF CONFERENCE.

To the Senate and House of Representatives:

Your committee of conference to whom was referred the disagreement of the two houses as to the senate amendments to the house bill,

ii. 14. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the state, for interest on the public debt, and for public schools ;

Have had the same under consideration, and recommend that the two houses concur in said senate amendments,

All of which is respectfully submitted.

W. A. HANDLEY,

L. W. GRANT,

J. C. COMPTON,

Committee on part of the senate.

S. S. SCOTT,

A. C. TOWNSEND,

E. H. BUCK,

Committee on part of the house.

The report of the conference committee was concurred in— yeas 29, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Humdley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—29.

REPORT OF CONFERENCE COMMITTEE.

Mr. President :

The committee of conference to which was referred the disagreeing votes of the two houses on the senate joint resolution to raise a committee of the two houses to consider the governor's inaugural address and to propose amendments to the constitution, and for said committee to sit during recess, have had the same under consideration, and report as follows :

1st. That the senate concur in the house amendment to the senate joint resolution.

2nd. That the joint resolution be adopted as amended by the house.

L. D. GODFREY,

J. H. PARKER,

MAC. A. SMITH,

Senate Committee.

NORTHINGTON,

BREWER,

DAVIS of Fayette,

House Committee.

MESSAGE FROM THE GOVERNOR.

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALA., December 9th, 1890.

Gentlemen of the Senate and of the House of Representatives:

One of my predecessors in a special message to the general assembly in 1882, said that "almost from the first day of its organization the penitentiary has been a source of solicitude to the state, and until very recently its operations have been unprofitable in every sense." While the system has long since ceased to be "unprofitable" in a pecuniary sense, and has been bettered in many ways by wiser laws and better supervision, it is, to me, as I doubt not it is to you, a source of anxious and continuing concern.

On the first day of October, 1890, there were one thousand seven hundred and seventy-seven state and county convicts; of whom eleven hundred and twenty-three were state convicts, and six hundred and fifty-four were county convicts. On the first day of October, 1888, there were 1,593 convicts, of whom 740 were state convicts, and 853 county convicts. On the first day of October, 1886, there were 1,463 convicts, of whom 559 were state, and 904 county convicts. On the first day of October, 1884, there were 1,626, of whom 527 were state convicts, and 1,099 county convicts. On December 1st, 1883, there appears to have been 951 county convicts. This was the first record ever made of county convicts, and was imperfect, owing to the lack of means to compel county officers to make reports.

It will be noticed that for each of these years there has been a gradual increase in the number of state convicts, and a gradual decrease of the number of county convicts as compared with each other. In 1884, the county convicts nearly doubled the state convicts, while in 1890, the reverse was true.

Under the present laws and conditions we have little ground to indulge the hope that the number of convicts will not increase in the future. The female convicts are rapidly increasing, being now 72 in number, as against 26, six years ago. Since January, 1888, these women have not been hired out. During that time while under the immediate care and control of the state, only one has become pregnant, while such cases were very common when under the care of contractors.

It is not pleasant, and can not be useful except to draw profitable lessons from the experience of the past, to recall instances of cruelty and oppression which have accompanied the various stages of the state's efforts to deal with the large number of those whom society, for its own protection, has felt bound to punish. A graphic and truthful history of the evils of the system as late as 1882, may be found in some very able papers written by the then president of the State Medical Association, and the consequent discussion of the matter in the press at that time. An act to regulate the treatment and hire of the state convicts—acts 1882-3 p. 134—was the fruit of this discussion, and made some valuable changes. Among these, was the power given the governor to annul any contract, at pleasure. Further protection was given county convicts in the inspection required to be made every three months by the state inspectors, who were to report to the judges of probate upon the treatment and condition of the convicts. The law, however, permitted county convicts to be hired in small squads, and they were scattered over the state at one time in as many as twenty-three different places. This made it difficult to enforce proper inspection. Records were required to be kept for the first time at the capitol, from which it could be ascertained where each convict was, and when his term expired. This was an important provision, for it often happened that a convict was found at work in the custody of contractors long after his sentence had expired.

At the session of 1885 additional legislation was had by which many sweeping reforms were effected, and with which you are entirely familiar. This act, with a few amendments, is the law under which the system is at present controlled. Under the new law, energetically and honestly administered, improvement has continued, but there are very many vital matters in which the system should be changed. The death rate among state and county convicts at work in the mines is larger than it should be, and authority should be given for proper scientific examination to detect and remedy the cause, if possible. Numerous examinations have been made at Pratt Mines, not only by the inspectors but by physicians of eminence, including our own state health officer and visitors from other states. All agree that the arrangements at Pratt Mines (where the leased state convicts are employed) for feeding, clothing and sheltering the convicts, and their general surrounding are excellent; but there appears to be some

cause of sickness at Pratt Mines, though in a less degree than at the other mines where convicts are worked, which has not been traced.

The condition of the county convicts is not as good as that of the state convicts, the death rate of the former being twice that of the latter. The explanation of this difference lies in the fact that the management and surrounding of county convicts is not as good as that of state convicts, because the sick and disabled state convicts are taken to the penitentiary and there recuperated before being returned to labor at the mines; while there is no such protection for the county convicts. The sick and feeble county convicts must recuperate and be cared for at the prison of the contractor, and this however well kept, is not a suitable place for building up the sick and feeble for a change of location, surroundings and specially of water will frequently do more than medicine. There are provisions, among them, section 4657 of the code, which provide that any convict hired in the mines who afterwards becomes unfit to do such work, may on the recommendation of the physician or by order of the inspectors be removed from the mines and put to some "other kind of hard labor." There is no adequate provision for hard labor at the penitentiary, besides it was believed that under decisions of the supreme court a county convict taken from hard labor and employed at the walls would be released on habeas corpus. There was no such danger in reference to state convicts, as they were sentenced to serve a term of imprisonment in the penitentiary and are subjected to be leased or hired out by the board of inspectors. I do not stop to enquire whether the county convicts detained at the walls, for the purpose of restoring their health, would be released on habeas corpus. All doubts should be removed by clear and specific statutory provisions. Humanity to the county convicts demands this; and the county which receives the benefit of the hire should be made to pay to the state all the costs and expenses of taking care of their convicts, while in the hospital or being recuperated at the walls.

Some of the plans discussed for the betterment of our present system contemplate the closing of our penitentiary and even its sale. It is alleged that too many "dead heads" are kept there, and that the expenses of carrying convicts to and from the walls, when sick or disabled at the work at which they are engaged at the mines, and maintaining them till they can be returned, is an unnecessary and extravagant expendi-

ture. I will do not injustice to the people whom we represent by supposing they are willing to save money by leaving convicts to sicken and die, rather than to pay something to remove them to the penitentiary and support them there until restored to health. Revenue has no place in the discussion of such a question.

The objection, however, is utterly untenable in fact. I learn from the records of the convict bureau that the expenses of the hospital at the penitentiary during the last four years were \$5,469.39, and that the convicts who have been restored to health and then returned to the mines, have earned since January 1st, 1888, \$16,159.89. Some of these convicts were worked for a while, before being returned to the mine, at farm work near the penitentiary; but the value of their work while so engaged is not included in the last named sum. Under the contract with the hirers of the state convicts they are bound to pay and do pay the expenses of taking disabled men to the penitentiary and back to their work. If, however, all the expenses of transporting the convicts to and from the walls—which includes the transportation of females who are not hired out, of boys under 15 years of age, persons who on account of sickness when convicted or sent directly to the penitentiary, the transportation of witnesses from any prison to any court and back under the section 4631 of the code, transportation of insane convicts to the asylum and the transportation of convicts who are discharged while at the penitentiary—is charged up to the hospital, it would not amount to more than three thousand dollars for the four years last past, and including the other expenses of the hospital, it would not amount to more than fifty per cent. of the saving effected in the labor of the restored convicts. So it appears that humanity has been profitable.

It appears to me that it would be the height of unwisdom to abandon the use of the penitentiary or to sell it. Where could the sick and disabled convicts be kept and restored to health, unless the state maintains a penitentiary? What fears would contractors have of a contract being abrogated, if it was known that the state had no place where convicts could be properly kept until new arrangements could be made. If the board of inspectors should deem it to the interest of the state to reject bids, what provisions could the state make for caring for convicts while advertising for other proposals? If the large prisons at Pratt Mines were destroyed by accidental fire,

where would the state take its convicts while the prison was being rebuilt? Epidemics, abrogation of contracts or other emergencies might require a temporary removal of the convicts in large numbers to the walls. The great freshet of 1886, which drove convicts from the state farm, furnishes a striking illustration of the need for the state's maintaining a place where it can take care of convicts.

Again, there are some convicts who ought never to be put under contract or hired out at all, such as weakly females, small boys and men who, while able to do light work, are unable to perform any kind of real hard labor. In the hands of a contractor, under the wisest safeguards, the feeble are in danger of over-work. The strong, who do good work, are generally favorites of the contractors. Convicts are hired to make money out of their labor. It is not a pleasant business, and profit is its only inducement. Often when a contractor does his best and earnestly seeks to guard convicts against oppression it is not always in his power to do so effectually; for human nature is prone to abuse power, and guards when out of sight of their employers often mistreat convicts, without the knowledge or approval of their hirers.

The state has spent large sums of money in building and maintaining the penitentiary. The property is valuable as an investment. Standing near the head of navigation it will become exceedingly valuable to the state in the near future when the Coosa river is opened by the general government, which will be accomplished, if the present appropriations are continued, within ten or twelve years.

I heartily concur in the recommendation of the inspectors, that the cells at the walls should be altered to accommodate as many convicts as possible, for the reasons already stated, and because that the state by being prepared to care for and work its convicts will be in a better position to demand its own terms for such of the convicts as it may choose to hire out.

The abandonment of the lease system is a mere question of time. I will not here argue the objections to it. They are thoroughly impressed on your minds and in public opinion. When abandoned some other system must take its place. We can never abandon it unless we make a beginning. What is wisest and best cannot always be determined by statute. The state authorities should be given some discretion, that they may adopt and put in force such plans as appear to them most

feasible, and test them by actual experience. For this purpose, I recommend that the board of inspectors, with the approval of the governor, be authorized to acquire, by purchase or condemnation, four or five hundred acres of land in the vicinity of the walls on which can be worked small boys and persons unfit to be sent to contractors. Recent operations at the penitentiary induce the belief that cotton and provisions raised on such a farm would suffice to pay for the food and clothing of the convicts at the walls. The board should also be authorized to procure machinery for small industries such as making brooms, mats, socks, &c. Convicts who cannot do outdoor work and some expert convict mechanics could in this way be made self-sustaining if not profitable. The cost of such machinery would probably not exceed \$1,500. It is believed, though there has not been an opportunity to give the matter mature consideration, that some of the convicts at the Walls might be utilized and made self-sustaining in making brick.

If authority be conferred upon the governor and board of inspectors, as above stated, it will enable them to determine by practical experience many of the questions which must be determined by any commission which is raised as is proposed in the message of the retiring governor and in some bills now pending. I therefore recommend that the general assembly authorize the board, with the approval of the governor, to expend out of the convict fund a sum not exceeding \$20,000. The condition of the treasury will admit this outlay. Some one must be trusted with the matter, and to whom better can it be left than to a governor elected by the people, and a board of inspectors nominated by him and confirmed by the senate. Responsibility for the working of a system should always be accompanied with power to make it effective.

I earnestly invite your attention to the abuses resulting from allowing courts, other than courts of record, to sentence prisoners to hard labor for the payment of costs. Many such cases arise where it would be better for the good of society that the offender should go unpunished, than to have him placed in the mines and undergo punishment there for the payment of costs. A recent instance has come to my attention where a justice of the peace, who afterwards sought to correct his mistake as soon as he ascertained it, put to hard labor in the mine one who had been adjudged a lunatic and escaped from the insane asylum.

Cases of violation of Sunday laws, vagrancy, assaults, as-

saults and battery, affrays, petit larceny, failure to work on the public roads and the like are within the jurisdiction of justices of the peace, and in many of these cases the costs far exceed the fines and imprisonment at hard labor, for the costs practically amounts to cruel and unusual punishment. It is known to us all that many disputes arise among negroes for which they prosecute each other criminally, and where the harm done society by the violation of the law is slight compared with the punishment which the offender undergoes for the payment of costs. The system incites needless prosecutions and piles up of costs, demoralizes the labor of the country, and works great hardship in this way upon employers.

I recommend that section 4492 of the code be amended so as to require that, wherever a sentence for hard labor is for more than twelve months, that judges be required to sentence the persons to imprisonment in the penitentiary, and not leave it to their discretion to put them to hard labor for the county. No other argument is needed for this than the fact that the death rate of county convicts is twice as great as that of state convicts.

It is greatly to be desired that our system of punishment should not be such as to require more protection from the convict after his term expires than before he was put in the penitentiary. Most of the convicts, it is true, can never be reformed; but we ought not on that account to abandon the effort to save those who may be bettered. Authority should be given the board of inspectors to take the young boys and other convicts, who, in their judgment may be reformed, and put them to themselves at some place where they can not only labor but be taught and improved.

In the short time since my induction into office, I have not had an opportunity to prepare and submit to the general assembly many recommendations which I deem of importance. The subject here treated, however, is of such consequence that I deemed it best to bring it to your attention now, that you may have the benefit of discussion and investigation during the recess, and be the better prepared to act on it upon your reassembling.

THOS. G. JONES,
Governor.

RESOLUTIONS.

Mr. Parks offered a resolution, which was adopted, as follows :

Resolved by the Senate, That the message of the governor be referred to the committee on the penitentiary, and that one hundred copies be printed, and that the secretary of state be requested to send a copy of the message, when printed, to each member of the senate.

Mr. Hundley offered a joint resolution, which was adopted, as follows :

Resolved by the Senate (the house concurring), That the joint committee to revise the judicial circuits and chancery divisions are authorized to sit not exceeding five days during the recess, for the purpose of considering the matter referred to said committee, but no mileage shall be paid said committee under this resolution.

ADJOURNMENT.

At 5:30 o'clock p. m., on motion of Mr. Inzer, the senate adjourned.

 TWENTY-FIFTH DAY.

WEDNESDAY, December 10, 1890.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Burkhead of the city.

Present—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—29.

The journal of yesterday was approved without being read.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Milner—

s. 233. To confirm, amend and enlarge the charter of the Birmingham Railway and Electric Company:

Municipal and county organizations.

By Mr. Smith of Autauga—

s. 234. To provide for the election of county superintendent of education of Autauga county:

Privileges and elections.

Also,

s. 235. To provide for the election of the county board of commissioners of Autauga county:

Privileges and elections.

By Mr. Compton—

s. 236. To amend an act incorporating the trustees of the Judson Female Institute, approved January 9, 1841;

Education.

By Mr. Grant—

s. 237. To amend certain sections of the charter of the town of Oxford, and to give said town of Oxford power to issue bonds;

Municipal and county organizations.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills:

h. 165. For the relief of James B. Steeley, Mary Steeley, Roland Ward and Elizabeth Russell of Jackson county.

h. 418. To amend an act passed by the general assembly of Alabama, and approved February 28, 1889, entitled an act for the preservation of game animals and birds in the county of Greene.

h. 454. To prevent the manufacture, sale, giving away, bartering, exchanging, or otherwise disposing of alcoholic, vinous or malt liquors, or intoxicating bitters, or beverages in Holly Springs precinct No. 31, in Jackson county.

h. 104. To authorize the court of county commissioners of Fayette county to issue the bonds of said county for an amount

not exceeding twenty thousand dollars for the purpose of building a court house and jail in said county.

H. 358. To incorporate Brewton Collegiate Institute.

H. 445. To constitute the town of Attalla a separate school district, and to provide for the management of the public schools of said district.

H. 405. To incorporate the East Alabama Male and Female Institute, Notasulga, Alabama.

H. 273. To amend section 1 of an act protecting game animals and birds in the counties of Hale and Cullman and Greene, so far as the same applies to Hale county, approved February 27, 1889.

H. 244. To allow the constable of beat No. 36, in Dallas county, the constables in and of beats 9, 2, 1 and 37 in Jefferson county, and 1 and 4 in Henry county, Alabama, to appoint deputies.

H. 202. To have testimony of witnesses before the grand jury of Franklin county and Lawrence county kept.

H. 481. To provide for the support of the indigent soldiers and sailors of the late Confederate States army and navy who are now *bona fide* citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama.

H. 300. To repeal an act entitled an act to establish an inferior court for Cullman county, approved March 1, 1881.

H. 164. To establish a separate school district, to be known as China Grove School District, in Hale county.

And has passed the bills,

s. 4. To amend section 1667 of the code.

s. 166. To authorize and empower the Nashville, Chattanooga and St. Louis Railway to construct, operate and maintain its road or a branch thereof in and through the counties of Madison, Marshall and Etowah, in the state of Alabama.

s. 72. To incorporate the city school board of Selma.

s. 98. To incorporate the Montgomery, Hayneville and Camden Railroad.

s. 76. To establish a new charter for the town of Roanoke.

s. 93. To amend section 4641 of the code.

s. 96. To prescribe the duties and provide the compensation of the county solicitor of Talladega county.

And has adopted the joint resolution herewith sent relative to the appointment of a committee on the normal schools of the state.

Committee on the part of the house, Messrs. Davis of Fayette, Kemp and Haney.

And has passed and ordered to the senate without engrossment,

ii. 145. To amend an act to incorporate the Central City Insurance Company, approved November 28th, 1863;

And has concurred in the senate joint resolution relative to giving the joint committee on judicial circuits leave to sit during recess;

And has adopted a joint resolution, herewith sent, relative to paying the interest on the state debt.

Also,

The joint resolution herewith sent relative to the hour of adjournment to-day, and providing for a recess till 4 o'clock p. m.;

And has passed the senate bill,

s. 51. To provide for the purchase of lands, and to provide additional accommodations for the patients of the Alabama Insane Hospital;

And has amended as therein shown, and as amended, has passed the bill.

s. 59. To authorize the city council of Montgomery to issue bonds for school purposes, and for funding its market-house bonds, and for paving the streets of Montgomery.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once, and referred to appropriate committees, as follows:

ii. 165, 244, 202, 300, to judiciary;

ii. 418, 273, to local legislation;

ii. 481, to finance;

ii. 104, 145, to municipal and county organizations;

ii. 454, to temperance;

ii. 358, 445, 405, 164, to education.

The senate proceeded to consider the joint resolution in the foregoing message relative to raising a joint committee to investigate the subject of normal schools.

On motion of Mr. Grant, the resolution was amended by striking out that portion of the resolution authorizing the committee to send for persons and papers;

And, as amended, the senate concurred in said joint resolution.

The president appointed on said committee, Messrs. Grant and Parks.

The senate concurred in the house joint resolution in the foregoing message relative to paying the interest on the state debt. Appoints no committee.

The senate concurred in the house joint resolution relative to the hour of adjournment to-day.

The senate concurred in the house amendment to the senate bill 59, set out in the foregoing house message.

Yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows:

By Mr. Smith of Mobile, from agriculture, favorably,

ii. 237. To repeal an act entitled an act to protect fish in the county of Butler, approved February 21, 1887.

s. 187. To define a lawful wire fence in Wilcox county;

s. 12. To repeal an act entitled an act to amend an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 25, 1889.

s. 11. To repeal an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 22, 1887.

BILLS ON THIRD READING.

The bill,

ii. 182. To make the husband or wife of the defendant competent to testify as a witness in all prosecutions for bigamy and adultery or fornication.

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Messrs. Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—24.

The bill,

n. 278. To authorize the city of Bessemer to issue its bonds for an amount not exceeding (\$50,000.00) fifty thousand dollars for the purpose of building and constructing sewers, improving the streets, building school-houses, making other permanent improvements in and paying the floating debt of said city;

Was read a third time and passed—yeas 18, nays 0.

Yeas—Messrs. Berry, Compton, Davie, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Parker, Parks, Stansel, Steagall, Waddell—18.

The bill,

n. 356. To permit the sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, spirituous, vinous or malt liquors and intoxicating bitters, beverages, and fruits preserved in alcoholic liquors, within the corporate limits of the town of Clio, an incorporated town having police regulations in Barbour county;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Messrs. Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Hayes, Hundley, Lackey, Milner, Minge, Parker, Parks, Reynolds, Smith of Antauga, Smith of Mobile, Stallworth, Steagall, Waddell—21.

The bill,

n. 274. To authorize the mayor and aldermen of Birmingham to issue bonds of said city for an amount not more than four hundred and fifty thousand dollars (\$450,000.00) for the purposes of building and constructing sewers in the said city, and extending sewer mains leading from said city to such point as the board may deem advisable, and for building school houses and furnishing the same, and for paving or macadamizing the streets of said city, and making other permanent improvements in said city, and in improving the cemetery grounds heretofore purchased by said city, and in paying whatever floating or outstanding debts said city may have on the 1st day of January, 1891, not to exceed thirty-five thousand dollars (\$35,000.00);

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Parker, Parks, Reynolds, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

ii. 505. To establish a new charter for the town of Dothan, in Henry county;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Messrs. Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—23.

The bill,

ii. 381. To incorporate the city of Ozark, in the county of Dale;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Messrs. Bradley, Berry, Cowan, Compton, Davie, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Lackey, Milner, Minge, Nesmith, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—20.

The bill,

s. 146. For protecting mines in Alabama;

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 20, nays 1.

Yeas—Mr. President, Bradley, Cowan, Compton, Downey, Grant, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Williams—20.

Mr. Lackey voted no.

The bill,

ii. 67. To amend an act entitled an act to more effectually secure competent and well qualified jurors in the county of Montgomery, approved February 21st, 1887;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Downey, Grant, Godfrey, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

ii. 328. To ratify and confirm all contracts, sales, conveyances and mortgages made by or to the Alabama State Land Company since November 11th, 1886;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Downey, Grant, Handley, Harris of Hale, Harris of Lee,

Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—23.

The bill,

ii. 204. To prescribe the time in which bills of exception must be filed in the criminal court of Jefferson county;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

ii. 193. To authorize and empower the commissioners court to have a general index made for the records in the probate court of Choctaw and Coosa counties;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Lackey, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

ii. 451. To authorize the court of county commissioners of Greene county to make an order transferring to the general fund of said county, the balance of the money now in the hands of the county treasurer of Greene county belonging to the sinking fund or special fund created by said court of county commissioners, under the provisions of an act of the general assembly of Alabama, entitled an act to authorize the court of county commissioners of Greene county to issue bonds, for the purpose of compromising the old bonds of said county issued in aid of the Selma, Marion and Memphis Railroad, approved February 23rd, 1881, and to authorize the county treasurer of said county on said order being made by said court of county commissioners to transfer to the general fund of said county said balance of money in his hands as such treasurer, belonging to said sinking fund or special fund, and to make said money so transferred a part of the general fund of said county;

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Downey, Handley, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

ii. 94. To amend section two (2) of an act to amend section 1319 of the code, so far as the same relates to the town of Louisville, in Barbour county;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Messrs. Bradley, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Lackey, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

ii. 7. To prevent the sale, furnishing, giving or providing to any minor under eighteen years of age, of cigarettes, tobacco or cigarette paper or any substitute therefor;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Lackey, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—22.

The bill,

ii. 439. To prevent stock from running at large in beats two, three and seventeen in Coosa county;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall.—22.

The bill,

ii. 48. To authorize the increase of the capital stock and bonded indebtedness of private corporations organized under special charters;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—22.

The bill,

ii. 430. To ratify and confirm the reorganization of the People's Savings Bank as the People's Bank and to declare the powers and term of life of the People's Bank;

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee,

Hundley, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

s. 223. To authorize the Opelika Police Board to order an election in the city of Opelika:

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Downey, Grant, Godfrey, Handley, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—23.

The bill,

ii. 109. To establish a new charter for the town of Pratt Mines, in Jefferson county;

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—22.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in the senate amendment to the bill,

ii. 109. To establish a new charter for the town of Pratt Mines in Jefferson county:

And has non-concurred in the senate amendment to the bill,

ii. 182. To make the husband or wife of the defendant competent to testify in all prosecutions for bigamy, adultery or fornication:

And requests a committee of conference thereon.

Committee on the part of the house, Messrs. Foster, Kelly, and Pettus.

The house has adopted the house joint resolution, herewith sent, requesting the governor to return the house bill,

ii. 146. To establish a charter for the town of Woodlawn, in Jefferson county, Alabama.

Also, a joint resolution relative to a recess of the general assembly to-day, till 4 p. m.

And has concurred in the senate amendment to the house

joint resolution, relative to the committee on normal schools of the state.

B. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The senate concurred in the house joint resolution requesting the governor to return house bill 146.

Also, concurred in the house joint resolution relative to a recess to-day.

The senate acceded to the request of the house for a committee of conference on the senate amendment to the house bill 182; and the president appointed on said committee on the part of the senate, Messrs. Stallworth, Stansel and Godfrey.

MESSAGE FROM THE GOVERNOR,

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALA., Dec. 10, 1890.

Mr. President:

I am directed by the governor to communicate to the senate messages in writing.

Respectfully,
HARVEY E. JONES,
Rec. Sec'y.

The governor's message was read, as follows, viz :

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALA., December 10th, 1890.

To the Senate:

I return herewith without my approval, and for the reconsideration required by the constitution, senate bill No. 43, entitled: "An act to amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved February 28th, 1889."

The 6th section of the bill requires electors, not only to possess the qualifications required under the general laws of the state, but exacts an additional qualification of residence "within the corporate limits of said city of Fort Payne for 12 months next prior to any election at which the voter proposes to vote."

This section of the bill is in plain violation of the 2nd subdivision of section 1 of article 8 of the constitution. It provides that every male citizen who is 21 years of age or upwards, with certain exceptions not here material, shall be entitled to vote "at any election by the people," after he has resided in the state at least one year immediately preceding the election at which he offers to vote. It also requires residence in the county 3 months and in the precinct or ward 30 days, immediately preceding the election at which he offers to vote, "provided, that the general assembly may prescribe a longer or shorter residence in any precinct in any county, or in any ward in any incorporated city or town having a population of more than five thousand inhabitants but, in no case to exceed 3 months."

If Ft. Payne had a population of more than five thousand inhabitants, the length of residence therein which could be exacted of the voter by the general assembly could not exceed three months. The bill exacts a residence of 12 months.

This departure from the constitution would invalidate any election held under this amended charter; and the failure of the bill to become a law, especially when there is time to perfect another before the final adjournment of the general assembly, is a small evil compared to the uneasiness and disquiet which would result from the uncertainty as to the qualifications of electors, and the consequent strife which would arise from contested elections.

THOS. G. JONES,
Governor.

On motion of Mr. Godfrey the consideration of the governor's message was postponed till after the recess.

The second message from the governor was read as follows :

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALA., December 10, 1890.

To the Senate :

I herewith return to the senate, without my approval, and

or the reconsideration required by the constitution, senate bill No. 62, "an act to incorporate the Lineville College at Clay county, Alabama."

The purpose of the bill is to charter a college for the education of the youth, and places it entirely under the management of the trustees appointed in the bill, and it expressly declares that the act shall not be construed so as to deprive the college of its share of the public school funds.

The bill creates a private, and not a public school in the sense of the constitution. The trustees may admit or reject such students as they will. For instance, they might fix an age of admission above 7 years, whereas the schools which the constitution requires to be maintained, and for the support of which it applies the public funds, in which the bill says the college shall share, must be open to children between the ages of 7 and 21 years. It is within the discretion of the trustees to fix many other qualifications for admission inconsistent with those prescribed by the general law for the admission of children to the public schools. The constitution requires also that the state superintendent shall have supervision of all public schools. Under this act he can have none. Even with the constitutional objection removed, it is not a wise policy to divert any portion of the common school fund to private schools, however excellent or meritorious.

While I can not doubt from the high character of the incorporators and the commendable purpose of the bill, that whatever may be received from the school fund would be faithfully applied to the education of the youth, yet it is to be remembered that we are dealing with principles and not men.

There are many private schools in this state which do not share in the common school fund, and if the general assembly sets an example in one case it will fix a precedent which is likely to result in injury to the common school; especially as such provisions are generally contained in private or local acts, which, in the multitude of business pressing upon the legislature are seldom closely scrutinized except by the members immediately concerned.

THOS. G. JONES,
Governor.

On motion of Mr. Lackey, the further consideration of the governor's message and the bill aforesaid, were postponed until after the recess.

MESSAGE FROM THE GOVERNOR.

By his recording secretary.

CHIEF EXECUTIVE OFFICE,

MONTGOMERY, ALA., December 10, 1890.

Mr. President :

The following bills, which originated in the senate, have been approved by the governor :

s. 44. An act to amend section 750 of the code so far as the same applies to the counties of Lamar, Fayette, Marion and Franklin.

s. 32. An act to amend an act entitled an act to incorporate the town of Courtland, in the county of Lawrence, approved December 16, 1873.

s. 18. An act to amend and confirm the charter of Fort Payne Coal and Iron Company, a corporation organized under the general incorporation laws of the state.

s. 17. An act to amend section 1476 of the code, relating to notice to father and mother or person in custody of child, in apprentice proceedings.

s. 150. An act to provide for the holding of the circuit courts in the counties of Covington, Conecuh, Pike and Butler.

s. 86. An act to regulate the disposition of fines arising from prosecutions under the laws of this state for cruelty to children and animals.

s. 9. An act to amend an act to allow constable of Troy beat, Pike county, and the constable of beat No. 21, in Jefferson county, Alabama, to appoint deputies, approved February 12, 1885.

s. 69. An act to confirm the incorporation and organization of the Prattville Cotton Mills, and to define, declare and enlarge the powers of said company, and to change the name of the same.

s. 63. An act to incorporate the Tennessee River, Ashville and Coosa Railway Company, and to further the construction thereof.

Respectfully,

HARVEY E. JONES,

Recording Secretary.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, ALA., December 10th, 1890.

To the Senate :

Agreeable to your joint resolution, I herewith transmit to the senate house bill 146, "an act to establish a charter for the town of Woodlawn, in Jefferson county, Alabama."

THOS. G. JONES,

Governor.

On motion of Mr. Milner the senate, by unanimous consent, reconsidered the vote on the passage of the house bill 146, just returned by the governor; and, also, reconsidered the vote by which the bill was ordered to a third reading, and the secretary was instructed to place the bill on the calendar.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled, viz.:

s. 166. An act to authorize and empower the Nashville and Chattanooga and St. Louis Railway to construct, operate and maintain its road, or a branch thereof, in and through the counties of Madison, Marshall and Etowah, in the state of Alabama.

s. 72. An act to incorporate the city school board of Selma;

s. 59. To authorize the city council of Montgomery to issue bonds for school purposes, and for funding its market house bonds, and for paving the streets of the city of Montgomery;

s. 93. To amend section 4641 of the code.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested, viz.:

II. 153. To establish a new charter for the city of Cullman, Alabama.

II. 150. To provide for an election in the various beats, or parts of beats, in the county of Clay, on the subject of stock running at large in the beats or parts of beats in said county.

H. 278. To authorize the city of Bessemer to issue its bonds for an amount not exceeding (\$50,000.00) fifty thousand dollars, for the purpose of building and constructing sewers, improving the streets, building school houses, making other permanent improvements in, and paying the floating debt of said city.

H. 356. To permit the sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, spirituous, vinous, and malt liquors and intoxicating bitters, beverages and fruits preserved in alcoholic liquors, within the corporate limits of the town of Olio, an incorporated town, having police regulations, in Barbour county.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills set out in the foregoing report of enrolled bills and house message.

RECESS.

At 1:30 o'clock p. m., on motion of Mr. Handley, the senate took a recess till 4 o'clock, p. m.

AFTERNOON SESSION.

The senate reassembled at 4 o'clock, p. m., a quorum present.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house, having signed the following bills, your signature thereto is requested, viz.:

ii. 6. To amend section two of an act to incorporate the Anniston Loan and Trust Company, of Anniston, Alabama, approved February 28th, 1889.

ii. 14. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the state, for interest on the public debt, and for public schools:

ii. 86. To amend subdivision thirty-one (31) of section 629 of the code of Alabama.

ii. 149. To authorize the Parker Memorial Baptist Church of Anniston, Alabama, to hold real and personal property to the value of not exceeding one hundred and fifty thousand dollars.

ii. 329. To ratify and confirm the organization of the Alabama State Land Company.

ii. 240. To amend an act entitled an act to provide for the election of county superintendent of education for Dallas county.

ii. 264. To amend the charter of the city of Anniston;

ii. 174. To amend section 1 of an act, approved February 25, 1889, to provide for the payment of costs on convictions of felony where the defendant is sentenced to imprisonment in the penitentiary.

ii. 400. To repeal an act entitled an act "to regulate the issuance of license to sell vinous, spirituous or malt liquors in the county of Morgan," in so far as the same relates to precinct number one of said county.

ii. 154. To repeal an act entitled an act to amend section eleven of an act to establish a separate school district to be known as the Cullman school district, in Cullman county, Alabama, and for the appointment of a board of trustees for said school district, with certain powers and privileges, approved February 28, 1887.

ii. 248. To establish a new charter for the city of Birmingham.

ii. 430. To ratify and confirm the reorganization of the People's Savings Bank as the Peoples Bank and to declare the wewers and term of life of the Peoples Bank.

ii. 94. To amend section two (2) of an act to amend section 1319 of the code so far as the same relates to the town of Louisville, in Barbour county.

ii. 439. To prevent stock from running at large in beats two, three and seventeen in Coosa county.

ii. 274. To authorize the mayor and alderman of Birming-

ham to issue bonds of said city for an amount not more than four hundred and fifty thousand (\$450,000.00) dollars for the purpose of building and constructing sewers in the said city and extending sewer mains leading from said city to such a point as the board may deem advisable, and for building school houses and furnishing the same, and for paving or macadamizing the streets of said city, and making other permanent improvements in said city, and in improving the cemetery grounds heretofore purchased by said city, and in paying whatever floating or outstanding debts said city may have on the 1st day of January, 1891, not to exceed thirty-five thousand dollars (35,000.00.)

H. 7. To prevent the sale, furnishing, giving, or providing to any minor under eighteen years of age, of cigarettes, tobacco or cigarette paper or any substitute therefor.

H. 505. To establish a new charter for the town of Dothan, in Henry county.

H. 48. To authorize the increase of the capital stock and bonded indebtedness of private corporations organized under special charters.

H. 67. To amend an act entitled an act to more effectually secure competent and well qualified jurors in the county of Montgomery, approved February 21st, 1887.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from committee on enrolled bills reported the following bills correctly enrolled :

s. 4. To amend section 1667 of the code.

s. 96. To prescribe the duties and provide the compensation of the county solicitor of Talladega county.

s. 98. To incorporate the Montgomery, Hayneville and Camden Railroad.

s. 51. To provide for the purchase of lands, and to provide additional accommodations for the patients of the Alabama Insane Hospital.

s. 76. To establish a new charter for the town of Roanoke.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate immediately after their titles had been publicly read, signed the bills set out in the foregoing house message and report of enrolled bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has adopted the resolution herewith sent, relative to appointing a joint committee to wait on the governor: Committee on the part of the house, Messrs. Johnson, Cooper and Harris.

B. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The senate concurred in the house joint resolution in the foregoing message, and the president appointed as the committee on the part of the senate, Messrs. Stansel and Nesmith.

REPORT OF COMMITTEE.

The joint committee appointed to wait on the governor, reported that they had visited the governor and he had informed them that he had no further communication to make to the general assembly.

ADJOURNMENT.

At 5:30 p. m., on motion of Mr Harris of Lee, the senate adjourned.

 TWENTY-SIXTH DAY.

TUESDAY, Jan. 20th, 1891.

The senate met pursuant to adjournment.

Prayer by Rev. Dr. Crumpton, of Marion.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris

of Hale, Harris of Lee, Inzer, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—28.

The journal of December 10th, 1890, was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Compton, till Thursday, and to Mr. Waddell, indefinitely, on account of sickness.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows :

By Mr. Hayes—

s. 238. To amend an act entitled an act to authorize the commissioners court of Franklin and other counties therein named, to lay off their respective counties into four commissioners districts ;

Local legislation.

By Mr. Skeggs—

s. 239. To incorporate Blount college, in Blount county, Alabama ;

Education.

By Mr. Hundley—

s. 240. To establish a charter for the town of Gurley's in Madison county, Alabama ;

Municipal and county organizations.

Also,

s. 241. To authorize and empower the mayor and aldermen of the city of Huntsville, to improve and repair the streets and sidewalks of the city of Huntsville, Alabama, at the cost of parties whose property abuts such streets ;

Municipal and county organizations.

Also,

s. 242. To amend section twenty-seven of an act entitled "an act to establish a new charter for the city of Huntsville," approved December 12th, 1888 ;

Local legislation.

By Mr. Haralson—

s. 243. To authorize the court of county commissioners of DeKalb county to issue bonds of said county, to an amount not

exceeding thirty thousand dollars, and to dispose of the same for the purpose of securing means for building a court house and providing the same with suitable furniture, and for building an addition to the county jail, of said county ;

Local legislation.

Also,

s. 244. To make additional provisions to the laws regulating the practice of medicine in this state ;

Judiciary.

Also,

s. 245. To amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved February 28th, 1889 ;

Local legislation.

By Mr. Hundley—

s. 246. To authorize the mayor and aldermen of the city of Huntsville, to issue certain negotiable bonds to an amount not exceeding twenty thousand dollars ;

Judiciary.

By Mr. Inzer—

s. 247. To incorporate the Cotton States Telephone and Telegraph Company ;

Municipal and county organizations.

Also,

s. 248. To establish and define the corporate limits of the city of Gadsden ;

Local legislation.

By Mr. Grant—

s. 249. To provide for an election to settle the question of a change of the name of the town of Jacksonville, from Jacksonville to Tredegar ;

Local legislation.

By Mr. Handley—

s. 250. To prevent stock from running at large in certain parts of Roanoke Beat No. 10, in Randolph county ;

Local legislation.

Also,

s. 251. To provide for the election by the general assembly of Alabama, of a chaplain for both houses of the legislature ;

Finance.

By Mr. Milner—

s. 252. To authorize justices of the peace and notaries public with ex-officio powers, as justices of the peace in beats

16 and 22, Jefferson county, to exercise exclusive jurisdiction in said beats ;

Revision of laws.

By Mr. Bloch—

s. 253. To tax labor agents ;

Finance,

Also,

s. 254. To require indictments for misdemeanors to be remanded to the justice of the beat, in the beat where the offense was committed ;

Judiciary.

Also,

s. 255. For the relief of disabled or maimed persons, who have served in the service of the late confederate states ;

Finance.

Also,

s. 256. To prevent contracts with minors ;

Judiciary.

By Mr. Parks—

s. 257. To allow defendants in actions of trover, or special actions for damages in the nature of trover, brought by a mortgagee of crops, to have the benefit of abatement or reduction of the damages, by proof that the proceeds of sale received by the mortgagee was applied to the payment of any lien superior to that of the plaintiff in the action ;

Judiciary.

By Mr. Harris—

s. 258. To more effectually secure to the citizens of the state the right of self government ;

Judiciary.

Also ;

s. 259. To relieve George T. Preer, of Lee county, Alabama, of the disabilities of non-age ;

Local legislation.

Also,

s. 260 To prohibit the sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, vinous, or malt liquors, or intoxicating bitters, beverages, or fruits preserved in alcoholic liquors, within three miles of Union Grove Baptist church, in beat two, and McKarries school house in beat thirteen, nor within five (5) miles of Pierce chapel Methodist church in beat seven, in Lee county, Alabama ;

Temperance.

By Mr. Wiley—

s. 261. To amend sections two and seven of an act entitled “An act to constitute the city of Montgomery a separate school district;”

Judiciary.

Also,

s. 262. To extend the corporate limits of the city of Montgomery, in the state of Alabama, and to provide for dividing said limits into wards.

Judiciary.

By Mr. Godfrey—

s. 263. To provide for the refunding of taxes improperly paid;

Finance.

Also,

s. 264. To amend section 4631 of the code;

Penitentiary.

Also,

s. 265. To amend section 4915 of the code;

Penitentiary.

Also,

s. 266. To amend section 4641 of the code;

Penitentiary.

By Mr. Grant—

s. 267. To authorize the mayor and city council of Jacksonville to issue bonds of said city for an amount not exceeding fifty thousand dollars, for the purpose of making and improving streets, the public square, and grounds about the public spring, and in paying whatever outstanding floating, not bonded indebtedness said city may have at the passage of this act;

Local legislation.

By Mr. Davie—

s. 269. To make an appropriation for the benefit of the State Agricultural Society for the year 1891;

Agriculture.

By Mr. Smith, of Autauga—

s. 270. To amend section one of an act entitled an act for the preservation of game animals and birds, in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, approved February 13th, 1879, so far as the same relates to Autauga county;

Local legislation.

By Mr. Stansel—

s. 271. To fix the times and places of holding the chancery courts in the southwestern chancery division of the state of Alabama;

Judiciary.

By Mr. Downey, by request—

s. 272. To prevent the selling, giving away, or procuring for another, or aiding another person in procuring, within the town of Marion, Perry county, or within five miles thereof, any vinous, spirituous or malt liquors or intoxicating drinks, bitters, or beverages, or fruit preserved in alcohol, or alcoholic liquors, except for sacramental purposes, or by persons at their private residences using the same in their own families;

Temperance.

By Mr. Milner—

s. 273. To incorporate the Birmingham Trust and Security Company;

Municipal and county organizations.

Mr. Hundley introduced the bill,

s. 268. To provide for the collection, arrangement, and display of the products of the state of Alabama at the World's Columbian Exposition of 1893, and to make an appropriation therefor;

Which, on motion of Mr. Milner, was ordered to lie on the table, and seventy-five copies ordered printed for the use of the senate.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows:

By Mr. Haralson, from local legislation, favorably, with an amendment,

s. 224. To require the commissioners court of Sumter county to appropriate money from the general fund of the county, from which to pay the claims against the fine and forfeiture fund of said county and to provide the manner of such payment.

By Mr. Stallworth, from privileges and elections, favorably,

s. 234. To provide for the election of county superintendent of education of Autauga county.

s. 235. To provide for the election of the county board of commissioners of Autauga county.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has passed the bills,

s. 101. To repeal, in part, an act in relation to trials for misdemeanors in Tuskalooza and other counties therein named, approved March 19, 1875.

s. 38. To require all butchers, and dealers in live stock, in Mobile county, to keep a register of all stock purchased or received by them.

The speaker of the house has appointed a committee composed of Messrs. Brewer, Lewis and Adams, to act with the committee of the senate of a like number to examine the offices of the auditor and treasurer under section 34 of the code.

B. F. ELMORE,

Clerk.

SPECIAL ORDERS.

The secretary of the senate laid before the senate a message of the governor's, which had been delivered to him on December 12th, 1890. The message is as follows:

CHIEF EXECUTIVE OFFICE,

MONTGOMERY, ALA. Dec. 12, 1890.

To the Senate:

I herewith return without my approval and for the reconsideration required by the constitution, senate bill No. 93, "To amend section 4641 of the code."

The original bill which passed the senate followed the language of the constitution in the enacting clause as required by section 2 of article IV of the constitution, which declares the style of the laws of this state shall be "Be it enacted by the general assembly of Alabama." The engrossed bill omits the words, "of Alabama;" and the same defect is found in the enrolled bill.

The bill relates to the hiring of state convicts outside the walls, and materially amends section 4641 of the code on that subject. The validity of any act relating thereto should be free from all reasonable doubt. If the bill under consideration were approved and the courts should declare it a nullity, be-

cause of the omission in the enacting clause, contracts made in pursuance of it would be nullities, and convicts hired under such contracts would be discharged from the control of contractors on writ of habeas corpus,—although they might be returned to the custody of the state, to be dealt with according to the existing laws governing the penitentiary. The uncertainty would prevent competition in bids.

After a very mature consideration I have reached the conclusion that it is my duty to withhold my approval of the bill, because the omission referred to renders it unconstitutional, and I do not wish by non-action to allow it to even assume the form of a law, and thus hang as a cloud over the important power of hiring the state convicts.

The effect of a departure in the enacting clause of the law from the words or style prescribed in the constitution, has several times been before the courts in other states; though the direct question has never arisen in this state.

In Maryland a departure from the style prescribed by the constitution was held not to invalidate the law; the ground of the decision being that such provision was directed to the legislature, and was not addressed to the courts. Two of the five judges, however, dissented. Similar rulings were made in Missouri and Mississippi, and upon the same grounds.

A leading case to the contrary is Nevada against Rogers, 10 Nevada 254—where the court unanimously held that an omission of the words “the senate and” from the enacting clause which the constitution required to be, “The people of the State of Nevada represented in senate and assembly, do enact, etc.,” vitiated the act. The reasoning of the court is based mainly upon an Alabama authority—Tuskaloosa Bridge Company versus Armistead 41 Ala. p. 9—which combats the theory that such provisions are merely directed to the legislature, and cannot be enforced by the courts.

In the language of the late chief justice, A. J. Walker, “The command in section 2 of article IV is a command not specially or professedly addressed to the legislature alone. * * * * It is binding upon the executive, who approves or disapproves bills and upon the judiciary who declare the law, as well as upon the legislature. What warrant can there be then for the position that it is simply a rule for the guidance of the legislature? * * * * The act to our mind is a plain one of irreconcilable conflict between the paramount law of the constitution and the enactment of the legislature.

When such conflict is clearly presented, to a judicial mind, the constitution must prevail."

As is said by another court, "If one or more of the positive provisions of the constitution may be disregarded as directory, why not all? And if all, it certainly requires no argument to show what the result would be. The constitution, which is the paramount law, would soon be looked upon and treated by the legislatures as devoid of all moral obligations—without any binding force or effect—a mere 'rope of sand,' to be held together or pulled to pieces at its will and pleasure."

In the language of Judge Cooley, "There are few evils which can be inflicted by a strict adherence to the law, so great as habitual disregard by any department of the government of the plain requirements of that instrument from which it derives its authority, and which ought to be therefore scrupulously observed and obeyed."

Cushing, in his work on the law and practice of legislative assemblies, says: "Where enacting words are prescribed in the constitution, nothing can be a law which is not introduced in those very words, even though others which are equivalent are at the same time used."

No court has gone farther than the supreme court of Alabama in holding that where the constitution prescribes a *mode* of legislation, the legislature has no power to dispense with it. To quote the language of one of the decisions: "The convention confided to the legislature no power or discretion to dispense with the constitutional rule." Instances of the cases in which the court has held that the legislature has no discretion, and must show that it has complied with the constitution before the bill can become a law, may be found in sections 19, 20, 21, 22 and 27 of article IV of the constitution. In each of these cases it was held that there was no presumption that the legislature had complied with the constitution; but that it had, it must affirmatively appear from its proceedings.

The supreme court of North Carolina—*State vs. Patterson*, 98 N. C.—declares: "The provisions of the constitution in respect to the forms and methods to be observed by the general assembly in the enactment of laws are mandatory." The courts say "it is not in the nature of constitutions of government to provide non-essential, useless and unimportant details, such as may be disregarded and dispensed with. As we have stated, they are organic. Non-essential details are left

to the discretion of those who administer the power of government. If this were not so, why prescribe a way and manner? Why not leave these things to convenience and the authorities charged with the exercise of power? Why direct them? Why restrict them? The answer to these and like questions must be that the requirements of the constitution shall prevail and be observed where it prescribes that a particular act and thing shall be done, in a way and manner specified, and such direction must be treated as a command, and the observance of it is essential to the effectiveness of the act and thing to be done. Such an act is not complete—such a thing is not effectual until done in the way and manner so prescribed.”

The supreme court of Indiana, in *May vs. Rice*—91 Ind. 546—decide the same principle. No money could be appropriated except by law. The constitution required that the style of the laws should be, “Be it enacted by the general assembly.” The words used were, “Be it resolved.” The court held it was no law.

The overwhelming current of authority in this country is that provisions of this sort are mandatory and not directory, and that laws passed in disregard of them are unconstitutional. *Cooley's Const. Limitations*, 5th Ed. 793.

Section 13 of article V of the constitution requires the governor, if he does not approve the bill, “to return it, with his objection, to that house in which it shall have originated, who shall enter the objections at large upon the Journal, and the house to which said bill shall be returned shall proceed to reconsider it.” It also provides that “if any bill shall not be returned by the governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law, etc., unless the general assembly, by their adjournment, prevent its return, in which case it shall not be a law.”

It is clear to me that “the house” to which the return must be made must be the house in organized session—“a house” capable of legislating—for the constitution requires of it one of the highest acts of legislative power—the duty of proceeding to reconsider, etc. If the return must be to such a house (there is provision for return to no other body or officer) it is made in time if delivered to the house on its first reassembling after recess, though more than five days have elapsed since the bill was presented to the governor. Without elaborating the reasons which lead to this conclusion, I am firmly con-

vinced that this message would be in time if not sent out of this office to you until your reassembling, January 20th, 1891.

There are, however, decisions of court which hold that a recess is not an "adjournment" within the meaning of similar provisions of other state constitutions; and that the executive, when more than five days will elapse between the presentation of the bill and the reassembling of the legislature, should return the bill, with his objection, to the secretary of the body in which it originated.

Out of abundant caution, denying that it is necessary under the constitution, and to avoid embarrassing consequences if the bill should assume the form of law by reason of my non-action, I have this day directed this message to be delivered to your secretary for you at his office in the Capitol, to be read immediately on your reassembling.

THOS. G. JONES,
Governor.

The question being shall the bill pass notwithstanding the governor's veto, the senate refused to pass the bill—yeas 0, nays 24.

Nays—Mr. President, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

s. 43. To amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved February 28th, 1889;

Was taken up: the pending question being shall the bill pass notwithstanding the governor's veto, and the senate refused to pass the bill notwithstanding the governor's veto—yeas 0, nays 23.

Nays—Mr. President, Bradley, Berry, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Milner, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

BILLS ON THIRD READING.

The bill,

s. 140. To provide compensation to sheriffs for the removal of prisoners from other states to this state;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley, Williams—22.

The bill,

s. 213. To amend section 518 of the code;

Was taken up and recommitted to the committee on finance and taxation.

The bill,

s. 211. To amend an act entitled an act to incorporate the town of Northport, approved February 12, 1879, by adding the following additional sections to said act incorporating said town;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Stansel, Wiley, Williams—22.

The bill,

n. 87. To amend section 2 and paragraphs 5, 7, 9, 10 and 13 and section 4 and sections 9 and 10 of an act entitled "An act to provide for a charter for the city of Jasper in Walker county, Alabama," approved February 6th, 1889;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—25.

The bill,

s. 187. To define a lawful wire fence in Wilcox county;

Was taken up.

On motion of Mr. Godfrey the county of Sumter was included in the provisions of the bill.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Milner, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—23.

The bill,

s. 12. To repeal an act entitled an act to amend an act to

make an annual appropriation for the benefit of the state agricultural society, approved February 25, 1889;

Was read a third time and passed—yeas 18, nays 4.

Yeas—Messrs. Bradley, Berry, Cowan, Davie, Downey, Grant, Godfrey, Harris of Lee, Hundley, Inzer, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—18.

Nays—Messrs. President, Handley, Milner, Williams—4.

The bill,

s. 11. To repeal an act to make an annual appropriation for the benefit of the state agricultural society, approved February 22, 1887;

Was read a third time and passed—yeas 20, nays 4.

Yeas—Mr. President, Bradley, Cowan, Davie, Downey, Grant, Godfrey, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—20.

Nays—Messrs. Bloch, Handley, Milner, Williams—4.

The bill,

ii. 237. To repeal an act entitled an act to protect fish in the county of Butler, approved February 21st, 1887;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—25.

JOINT RESOLUTIONS.

Mr. Milner introduced the following joint resolution:

Be it resolved by the senate, the house of representatives concurring, that a joint committee of fifteen, five from the senate and ten from the house of representatives, one of the latter to be appointed from each of the congressional districts of the state and two from the state at large, be appointed to redistrict the state into nine (9) congressional districts according to the United States census taken in 1890. The said redistricting to be made as nearly as may be equal in population in each of said congressional districts.

The joint resolution was adopted.

The president appointed on said committee Messrs. Milner, Inzer, Stallworth, Cowan, and Smith of Autauga.

ADJOURNMENT.

At 1:30 o'clock, p. m., on motion of Mr. Hayes, the senate adjourned.

 TWENTY-SEVENTH DAY.

WEDNESDAY, January 21, 1891.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Cumming of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—29.

The journal of yesterday was read and approved.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows:

By Mr. Hayes—

s. 274.* To legalize the marriage of Jas. H. Hatley and Sarah A. Hatley, citizens of the county of Limestone, state of Alabama;

Local legislation.

By Mr. Hargrove, Mr. Stallworth presiding—

s. 275. To prevent fraudulent sales;

Judiciary.

Also,

s. 276. To procure and preserve the likenesses of distinguished and worthy citizens, at the capitol, and to create a commission for that purpose;

Public buildings.

Mr. Milner—

s. 277. To amend an act to amend section 677 of the code of Alabama, approved February 28th, 1889;

Judiciary.

Also,

s. 278. For proper ventilation and conduct of coal mines or collieries in the state of Alabama, and providing for the creation of a state board of examiners, for the examination of candidates for the office of mine inspector, and prescribing the mode of such inspector's appointment, duties, and term of office, and providing for his compensation and that of examiners;

Internal improvements.

Also,

s. 279. To exempt the wages of employes from garnishment;

Judiciary.

Also,

s. 280. To define the corporate limits of the town of Irondale, and to authorize the sale, or otherwise disposing of spirituous, vinous or malt liquors therein, if the citizens of said town so desire;

Temperance.

By Mr. Smith of Autauga--

s. 281. To amend section 2359 of the code of Alabama;

Revision of laws.

By Mr. Parks--

s. 282. To amend section 2908 of the code of 1886;

Revision of laws.

By Mr. Stansel--

s. 283. To establish a new charter for the town of Carrolton;

Municipal and county organizations.

By Mr. Parker--

s. 284. To prevent the running at large of stock in certain portions of Elmore county;

Local legislation.

By Mr. Grant--

s. 285. To incorporate the Anniston Banking and Loan Company, of Anniston, Alabama;

Municipal and county organizations.

By Mr. Milner--

s. 286. To incorporate the Jasper Water Works Company;

Municipal and county organizations.

By Mr. Bradley--

s. 287. To ratify and confirm the charter of the Lady Ensley Coal, Iron and Railroad Company;

Municipal and county organizations.

Also, by request, with petition,

s. 288. To provide for a vote of the people on the subject of a permanent location of the county site of Franklin county;
Local legislation.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows :

By Mr. Haralson, from local legislation, favorably :

s. 243. To authorize the court of county commissioners of DeKalb county to issue bonds of said county to an amount not exceeding thirty thousand dollars, and to dispose of the same for the purpose of securing means for building a court house and providing the same with suitable furniture and for building an addition to the county jail of said county.

s. 245. To amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved Feb. 28, 1889.

s. 249. To provide for an election to settle the question of a change of the name of the town of Jacksonville from Jacksonville to Tredegar.

s. 270. To amend section one of an act entitled an act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, approved February 13, 1879, so far as the same relates to Autauga.

s. 248. To establish and define the corporate limits of the city of Gadsden.

s. 242. To amend section twenty-seven of an act entitled "an act to establish a new charter for the city of Huntsville," approved December 12th, 1888.

s. 267. To authorize the mayor and city council of Jacksonville to issue bonds of said city for an amount not exceeding fifty thousand dollars, for the purpose of making and improving streets, the public square and grounds about the public spring, and in paying whatever outstanding floating, not bonded, indebtedness said city may have at the passage of this act.

H. 418. To amend an act passed by the general assembly of Alabama and approved February 28th, 1889, entitled an

act for the preservation of game animals and birds in the county of Greene.

H. 440. To regulate the pay of the judge of probate and clerk of the circuit court of Covington county, for services *ex-officio*.

H. 99. To allow the probate judge, clerk of the circuit court and sheriff of Dale county to sell or dispose of their claims against the fine and forfeiture fund in Dale county, and to make said claims receiveable in payment of fines and forfeiture just as state witness claims against said fund are now receiveable and payable under the statute of Alabama.

H. 233. To amend section four of an act entitled an act in relation to trials of misdemeanors in Walker county, approved February 23d, 1883.

H. 232. To authorize the payment of fines and forfeitures in Walker county with the claims of the officers of said county which are now or may hereafter be registered against the fine and forfeiture fund of Walker county.

H. 191. To repeal an act entitled an act to establish a court of county revenues for Chilton county, approved February 28th, 1887.

By Mr. Lacey, from municipal and county organizations, favorably, with amendments,

S. 120. To incorporate the city of Ashville in St. Clair county, Alabama.

By Mr. Milner, from internal improvements, a substitute for,

S. 34. To extend the usefulness and efficiency of the geological and agricultural survey of Alabama.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bills:

H. 97. To prevent the cutting of timber, rolling logs, or throwing bushes into any of the running streams in Jackson and Fayette counties, Alabama.

H. 72. To prevent the tying or staking out of any stock on or alongside of any public road.

H. 251. To amend an act entitled an act for the protection of plantations and crops within certain limits in Lauderdale county, Alabama.

H. 331. To reduce the fees of probate judge in certain cases in the county of Lamar.

ii. 348. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks, or fruits preserved in alcoholic liquors, within the corporate limits of the town of Moulton, in Lawrence county, or within five miles thereof, and other places therein named, approved February 28, 1889, so far as the same relates to the corporate limits of Moulton, Lawrence county, or within five miles thereof.

ii. 457. To prohibit placing mortgages or incumbrances on growing crops in Monroe county.

ii. 467. To prohibit the selling, giving away, or disposing of spirituous, vinous or malt liquors, or of alcoholic bitters, cordials, or beverages of any kind in Sumter county.

ii. 480. To prevent the wrongful and illegal collection of money on farm produce as storage.

ii. 91. To levy a state and county tax on peddlers of clocks.

ii. 119. To promote the comfort of passengers on railroad trains.

ii. 207. To change and fix the rule of descents and distributions in this state, as to persons dying intestate who leave no widow or children, or their descendants, but who leave parents surviving them.

ii. 374. To amend section 4 of an act entitled an act, to more effectually secure competent and well qualified jurors in the several counties in this state, with the exception that the provisions of this act shall not apply to the counties of Henry, Mobile, Dallas, Talladega, Clay, Marengo, Cherokee, Etowah, St. Clair, Coffee, Dale, Geneva, Marshall and Montgomery, approved February 28, 1887, so far as the same relates to the county of Marion.

ii. 273½. To repeal an act entitled an act to repeal section 4031 of the revised code of 1867, so far as the same rule relates to the county of Geneva.

ii. 335. To amend an act to prohibit the sale, giving away or disposing of spiritous, vinous or malt liquors for gain in beat one, Lee county, Alabama, and to provide for an election therein, approved Feb. 28th, 1887.

ii. 499. To fix the salaries of state officers in this state, including the railroad commissioners.

The last bill being ordered to the senate without engrossing.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing message were severally read once and referred to appropriate committees, as follows :

- ii. 37, 251, 331, 457, 374, 273½, to local legislation;
- ii. 72, 480, 207, to judiciary;
- ii. 348, 467, 335, to temperance;
- ii. 91, 499, to finance;
- ii. 119, to internal improvements.

BILLS ON THIRD READING.

The bill,

s. 224. To require the commissioners court of Sumter county to appropriate money from the general fund of the county, from which to pay the claims against the fine and forfeiture fund of said county, and to provide the manner of such payment;

Was taken up.

The pending amendment was adopted, as follows: Amend by inserting after the word "oldest," in the 18th line of the bill, the words: "Provided, that the commissioners court shall have the right to reject any and all bids, if they see fit."

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Godfrey, Handley, Harris of Hale, Inzer, Lackey, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

The bill,

s. 235. To provide for the election of the county board of commissioners of Autauga county;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

s. 234. To provide for the election of county superintendent of education of Autauga county;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hund-

ley, Inzer, Lackey, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

At the hour of 12 o'clock M., the senate proceeded to consider the

SPECIAL ORDERS.

The senate joint resolution,

s. J. R. 3. Proposing amendment to section 5 of article 11 of the constitution of the State of Alabama;

Was taken up.

Mr. Smith of Mobile offered an amendment, which was lost.

Mr. Haralson offered an amendment, which was adopted, as follows:

Amend section 6 of the bill so as to read as follows: "Be it further enacted, that the secretary of state shall cause this resolution to be published in one newspaper at the seat of government in said state at least sixty days before the next general election for representatives; and the sheriffs of the state are hereby required to give notice of this proposed amendment in their notices of the said general election."

Mr. Hindley offered an amendment, which was adopted, as follows:

In line 12, second page, strike out "a" and insert "an additional."

Mr. Hargrove (Mr. Stallworth presiding), offered an amendment, which was adopted, as follows:

In line 12, second page, before the word "levy" insert "be authorized by the general assembly to."

The bill was read a third time and passed—yeas 21, nays 7.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Williams—21.

Nays—Messrs. Davie, Godfrey, Harris of Hale, Lackey, Stallworth, Stansell, Steagall—7.

A COMMUNICATION FROM NATIONAL BAR ASSOCIATION.

The president laid before the senate a communication from the National Bar Association, recommending certain legislation;

Which was referred to the judiciary committee.

ADJOURNMENT.

At 2 o'clock p. m., on motion of Mr. Steagall, the senate adjourned.

 TWENTY-EIGHTH DAY.

THURSDAY, January 22, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Cumming of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—30.

The journal of yesterday was read and approved.

REQUEST OF THE JOINT COMMITTEE ON THE JUDICIAL CIRCUITS
AND CHANCERY DIVISIONS.

Mr. Godfrey, from the committee on the judicial circuits and chancery divisions, asked further time to report.

The request was granted.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows:

By Mr. Hargrove (Mr. Smith of Autauga presiding)—

s. 289. To amend section 4578 (4551) of the code of Alabama;

Penitentiary.

Also,

s. 290. To regulate the bringing of divorce suits in the chancery courts of this state and in the various city courts having equity jurisdiction;

Judiciary.

- Also,
 s. 291. To regulate the making of final records in the chancery courts of this state ;
 Judiciary.
 By Mr. Bradley—
 s. 292. To amend section 3685 of the code of Alabama of 1886 ;
 Revision of laws.
 Also,
 s. 293. To amend section 550 of the code of Alabama ;
 Revision of laws.
 Also,
 s. 294. To regulate the fees of printers in tax sales ;
 Finance.
 By Mr. Milner—
 s. 295. To confirm the incorporation of the Shakespeare Club of Birmingham, Alabama, and the change of the name of said club to "The Alabama Club," and to enlarge the powers and capacities of said club ;
 Local Legislation.
 Also,
 s. 296. To amend section 2 of an act entitled an act to authorize the Macon and Birmingham Railroad Company, a corporation under the law of Georgia, to construct, maintain and operate its railroad within the state of Alabama and do all other things needful for that purpose, approved February 27th, 1889 ;
 Municipal and county organization.
 By Mr. Parker—
 s. 297. To grant certain rights of way to the Montgomery and Sylacauga Railroad Company ;
 Municipal and county organizations.
 Also,
 s. 298. To amend sections 1, 3 and 9 of an act entitled an act to incorporate the Montgomery and Sylacauga Railroad Company, approved February 11th, 1889 ;
 Municipal and county organizations.
 By Mr. Smith of Autauga—
 s. 299. To incorporate the Autauga Volunteer Hook and Ladder Company No. 1 of the town of Prattville ;
 Municipal and county organizations.
 By Mr. Stallworth—
 s. 300. To incorporate the town of River Falls, in Coving-

ton county, Alabama, and to authorize it to cut a canal and issue bonds for certain purposes;

Municipal and county organizations.

By Mr. Bloch—

s. 301. To amend section 3812 of the code of 1886;

Revision of laws.

Also,

s. 302. To amend section 4076 of the code of Alabama;

Revision of laws.

By Mr. Godfrey—

s. 303. To incorporate "The Black Warrior Railroad Company" and to further the construction of a railroad;

Internal improvements.

By Mr. Hundley—

s. 304. For the protection of telephone lines and business done over them in this state;

Judiciary.

Also,

s. 305. To incorporate the Pythian Temple Company of Birmingham, Alabama;

Internal improvements.

Also,

s. 306. For the protection of widows and minor children;

Judiciary.

By Mr. Bradley—

s. 307. To regulate the exemption of property from taxation;

Finance.

By Mr. Smith of Mobile—

s. 308. To amend section 488 of the code of Alabama as far as the same applies to the county of Mobile;

Local legislation.

Also,

s. 309. To authorize and empower the city of Mobile to create, open and establish streets and highways within its corporate limits;

Internal improvements.

By Mr. Wiley—

s. 310. To provide for repairing and furnishing the capitol and improving the capitol grounds;

Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested :

H. 193. To authorize and empower the commissioners court to have a general index made for the records in the probate court of Choctaw and Coosa counties.

H. 204. To prescribe the time in which bills of exception must be filed in the criminal court of Jefferson county.

H. 237. To repeal an act entitled an act to protect fish in the county of Butler, approved February 21st, 1887.

H. 328. To ratify and confirm all contracts, sales, conveyances and mortgages made by or to the Alabama State Land Company since November 11th, 1886.

H. 451. To authorize the court of county commissioners of Greene county to make an order transferring to the general fund of said county, the balance of the money now in the hands of the county treasurer of Greene county belonging to the sinking fund or special fund created by said court of county commissioners, under the provisions of an act of the general assembly of Alabama, entitled an act to authorize the court of county commissioners of Greene county to issue bonds for the purpose of compromising the old bonds of said county issued in aid of the Selma, Marion and Memphis Railroad, approved February 23rd, 1881, and to authorize the county treasurer of said county on said order being made by said court of county commissioners to transfer to the general fund of said county said balance of money in his hands as such treasurer, belonging to said sinking fund or special fund, and to make said money so transferred a part of the general fund of said county.

H. 109. To establish a new charter for the town of Pratt Mines, in Jefferson county.

H. 381. To incorporate the city of Ozark, in the county of Dale.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, January 22d, 1891.

Mr. President :

I am directed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,
Private Secretary.

The message was read as follows :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, January 22d, 1891.

Gentlemen of the General Assembly :

As heretofore advised, prompt request was made in compliance with a joint resolution of the general assembly, of the census bureau for an official certified tabulated statement of the population of Alabama by counties.

Such a statement has just been received, and not being in duplicate, I send it to the house.

It is believed that the tabulated statement recently published in the daily newspapers is an exact copy of the official statement sent to this office. If, however, it be desired by the senate, I will have a copy of the tabulated statement made and forward to it.

THOS. G. JONES,
Governor.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows :

By Mr. Stansel, from the judiciary, favorably,
s. 261. To amend sections two and seven of an act entitled "an act to constitute the city of Montgomery a separate school district."

s. 246. To authorize the mayor and aldermen of the city of Huntsville to issue certain negotiable bonds to an amount not exceeding twenty thousand dollars.

s. 108. To amend sections 2567 and 3338 of the code of Alabama.

s. 173. To repeal sections 3463 and 3464 of the code.

s. 117. To establish the city court of Gadsden.

s. 198. To protect purchasers, judgment creditors, mortgages and subsequent encumbrances without notice against conditional sales of personal property.

s. 204. To regulate trials by juries in the county court of Clarke county.

s. 271. To fix the times and places of holding the chancery courts in the southwestern chancery division of the state of Alabama.

s. 262. To extend the corporate limits of the city of Montgomery, in the state of Alabama, and to provide for dividing said limits into wards.

ii. 300 To repeal an act entitled an act to establish an inferior court for Cullman county, approved March 1, 1881.

ii. 244. To allow the constable of beat No. 36, in Dallas county, the constables in and of beats 9, 21 and 37 in Jefferson county and 1 and 4 in Henry county, Alabama, to appoint deputies.

Also, with amendments,

s. 87. To allow husband or wife to testify for or against each other in certain cases.

s. 81. To fix the legal rate of interest in this state.

s. 127. *To provide for the dissolution of private corporations.

By Mr. Handley, from finance, favorably,

s. 263. To provide for the refunding of taxes improperly paid.

ii. 481. To provide for the support of the indigent soldiers and sailors of the late confederate states army and navy, who are now *bona fide* citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama.

By Mr. Haralson, from local legislation, favorably,

s. 259. To relieve George T. Preer, of Lee county, Alabama, of the disabilities of non-age.

ii. 374. To amend section 4 of an act entitled an act to more effectually secure competent and well qualified jurors in the several counties of this state, with the exception that the

provisions of this act shall not apply to the counties of Henry, Mobile, Dallas, Talladega, Clay, Marengo, Cherokee, Etowah, St. Clair, Coffee, Dale, Geneva, Marshall and Montgomery, approved February 28th, 1887, so far as the same relates to the county of Marion.

ii. 37. To prevent the cutting of timber, rolling logs or throwing bushes into any of the running streams in Jackson and Fayette counties, Alabama.

ii. 273½. To repeal an act entitled an act to repeal section 4031 of the revised code of 1867, so far as the same relates to the county of Geneva.

ii. 251. To amend an act entitled an act for the protection of plantations and crops within certain limits in Lauderdale county, Alabama.

ii. 331. To reduce the fees of probate judges in certain cases in the county of Lamar.

By Mr. Smith, of Mobile, from agriculture, favorably, with an amendment,

ii. 225. To protect and regulate the time and manner of catching and taking fish from and in the waters of the state of Alabama in the counties of Mobile and Baldwin.

By Mr. Milner, from internal improvements, favorably,

ii. 230. To amend subdivision 11 of section 453 of the code.

By Mr. Godfrey, from penitentiary, favorably,

s. 266. To amend section 4641 of the code.

By Mr. Cowan, from temperance, favorably,

ii. 335. To amend an act to prohibit the sale, giving away or disposing of spirituous, vinous or malt liquors for gain in beat one, Lee county, Alabama, and to provide for an election therein, approved February 28th, 1887.

s. 260. To prohibit the sale, giving away, bartering, exchanging, or otherwise disposing of alcoholic, vinous or malt liquors, or intoxicating bitters, beverages or fruits preserved in alcoholic liquors, within three miles of Union Grove Baptist church, in beat two, and McKarrie's school house, in beat thirteen, nor within five (5) miles of Pierce Chapel Methodist church, in beat seven, in Lee county, Alabama.

Mr. Milner, from internal improvements, returned the senate bill 189, which was recommitted to the judiciary committee.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the bill, H. 271. To amend an act to establish a court of county revenues for Dallas county;

And has concurred in the senate joint resolution with reference to redistricting the state into nine congressional districts, and the speaker has appointed on said committee, from the state at large, Messrs. Scott and Lewis.

From 1st district, Mr Steele;

From 2nd district, Mr. Lee of Conecuh;

From 3rd district, Mr. Smith of Russell;

From 4th district, Mr. Quarles;

From 5th district, Mr. Harris;

From 6th district, Mr. Foster;

From 7th district, Mr. Cooper;

From 8th district, Mr. Lane.

The house has adopted the joint resolution herewith sent, relative to allowing more time for the committee on judicial circuits and chancery divisions to report.

B. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bill 271, in the foregoing message, was read a first time and referred to the judiciary committee.

The senate, also, concurred in the house joint resolution therein.

BILLS ON THIRD READING.

The bill,

s. 208. To fix the number of representatives in the house of representatives of the general assembly of this state, and to apportion them among the several counties of the state;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith

of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

The bill,

s. 209. To provide for senatorial representation in the general assembly of Alabama;

Was taken up.

Mr. Stallworth moved to postpone the bill till to-morrow, and print 100 copies.

On motion of Mr. Wiley the motion to postpone was tabled.

Mr. Milner offered an amendment, which was adopted, as follows :

Amend 1st section by striking out "Coosa" and inserting "Elmore" in its stead, and by striking out "Elmore," where the same occurs, and insert in its stead "Coosa."

The bill was read a third time and passed—yeas 22, nays 3.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Wiley, Williams—22.

Nays—Messrs. Harris of Lee, Stallworth, Steagall.

The bill,

s. 243. To authorize the court of county commissioners of DeKalb county to issue bonds of said county to an amount not exceeding thirty thousand dollars, and to dispose of the same for the purpose of securing means for building a court house and providing the same with suitable furniture and for building an addition to the county jail of said county;

Was read a third time and passed—yeas 22, nays 0.

Yeas—Messrs. Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams.—22.

The bill,

s. 245. To amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved Feb. 28, 1889;

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

At 12 o'clock the senate proceeded to consider

THE SPECIAL ORDERS.

The bill,
s. 62. To incorporate the Lineville College, at Lineville,
Clay county, Alabama;

Together with the governor's message of December 10, 1890,
vetoing the same;

Was taken up.

The question being, "shall the bill pass notwithstanding the
governor's veto?"

The senate refused to pass the bill—yeas 0, nays 25.

Nays—Mr. President, Bradley, Berry, Bloch, Cowan, Davie,
Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee,
Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of
Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley,
Williams—25.

The bill,

s. 162. To provide for the appointment of a solicitor for
the county of DeKalb and prescribe his powers and duties;

Was, on motion of Mr. Haralson, indefinitely postponed.

The bill,

s. 61. To enlarge and amend the rules of evidence;

Was taken up.

Mr. Stallworth offered an amendment, as follows:

Amend by striking out all of the following words, "or on
account of the age of the witness, or because he does not know
the pains of and penalties of perjury; but if such witness be
an infidel, or child of tender years, or ignorant of the pains
and penalties of perjury."

On motion of Mr. Wiley the amendment was laid on the
table—yeas 14, nays 12.

Yeas—Mr. President, Bloch, Downey, Grant, Godfrey, Har-
ris of Hale, Hayes, Hundley, Minge, Skeggs, Smith of Autauga,
Stansel, Steagall, Wiley—14.

Nays—Messrs. Bradley, Berry, Cowan, Davie, Haralson, In-
zer, Lackey, Milner, Nesmith, Parker, Smith of Mobile, Stall-
worth—12.

The bill was read a third time and passed—yeas 15, nays 12

Yeas—Mr. President, Bloch, Downey, Grant, Godfrey,
Harris of Hale, Hundley, Minge, Nesmith, Skeggs, Smith of
Autauga, Stansel, Steagall, Wiley—15.

Nays—Messrs. Bradley, Berry, Cowan, Davie, Handley,

Haralson, Inzer, Lackey, Milner, Parker, Smith of Mobile, Stallworth--12.

The bill,

H. 146. To establish a charter for the town of Woodlawn, in Jefferson county, Alabama;

Was taken up and Mr. Milner offered certain amendments, which were adopted.

The bill was read a third time and passed--yeas 19, nays 0.

Yeas--Mr. Bradley, Berry, Bloch, Downey, Grant, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Parker, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley, Williams--19.

RESOLUTIONS.

Mr. Smith of Mobile offered a joint resolution in regard to the bill now pending in the Congress of the United States commonly known as the force bill.

The joint resolution was adopted.

ADJOURNMENT.

At 1:40 o'clock p. m., on motion of Mr. Hundley, the senate adjourned.

TWENTY-NINTH DAY.

FRIDAY, January 23, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Cumming of the city.

Present--Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams--28.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Further leave of absence was granted Mr. Compton till Monday, on account of sickness.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from committee on enrolled bills, reported the following bills and resolutions correctly enrolled :

s. J. R. Joint resolution to redistrict the congressional districts of the state.

s. J. R. Joint resolution authorizing the joint committee on the judicial circuits and chancery divisions to sit during the recess.

s. 101. To repeal in part an act in relation to trials for misdemeanors in Tuskaloosa and other counties therein named, approved March 19th, 1875.

s. 38. To require all butchers and dealers in live stock in Mobile county to keep a register of all stock purchased or received by them.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing report of enrolled bills.

CALL OF DISTRICTS.

Bills were introduced, read first time and referred to appropriate committees, as follows :

By Mr. Haralson—

s. 311. To amend section 3775 of the code of Alabama ;
Revision of laws.

Also,

s. 312. To amend section 4057 of the code of Alabama ;
Revision of laws.

Also,

s. 313. To amend section 4033 of the code of Alabama ;
Revision of laws.

Also,

s. 314. To amend section 4036 of the code of Alabama ;
Judiciary.

Also,

s. 315. To amend an act entitled an act to amend section 4038 of the code of Alabama ;
Revision of laws.

By Mr. Inzer—

s. 316. To amend an act entitled an act to amend sections 1879, 1880, 1881 and 1882 of the code, approved February 27th, 1889 ;

Judiciary.

Also,

s. 317. To prevent the killing or injuring of wild deer and wild turkey in this state for five years next after the passage of this act ;

Judiciary.

By Mr. Lackey—

s. 318. To fix the credit which shall be allowed for personal property sold under mortgage and purchased by the mortgagee or his employes or by any person for him ;

Judiciary.

By Mr. Hargrove (Mr. Godfrey presiding)—

s. 319. To establish a reformatory for boys under the age of sixteen.

Penitentiary.

By Mr. Milner—

s. 320. To provide for the service of process upon non-resident defendants at law or in equity ;

Judiciary.

Also,

s. 321. To amend section 75 of the code of Alabama, relating to the time and place of holding court in the Seventh and Sixteenth districts of the northwestern chancery division of Alabama ;

Revision of laws.

Also,

s. 322. To confirm and amend the incorporation of the Iron State Building and Loan Company ;

Municipal and county organizations.

Also,

s. 323. To extend the police power and jurisdiction of the city of Birmingham over and about the fair grounds, in the vicinity of said city, in the county of Jefferson, known as the fair grounds of the Birmingham Fair Association, and to empower the corporate authorities of said city to authorize, regulate and license any business on said fair grounds during the holding of any fair, exposition or races that may now be authorized, regulated or licensed by said city within the corporate limits thereof ;

Temperance.

Also,

s. 324. To amend sections 16 and 17, subdivision 11, of section 21 and section 29 of the act entitled an act to establish a new charter for the city of Birmingham, approved the 12th day of December, 1890;

A special committee, consisting of Messrs. Milner, Handley and Skeggs.

By Mr. Smith, of Antauga—

s. 324½. To amend section 3431 of the code of Alabama; Revision of laws.

By Mr. Milner—

s. 325. To incorporate the Pratt Mines Savings Bank of Pratt Mines, Jefferson county, Alabama;

Municipal and county organizations.

Also,

s. 326. To ratify; confirm and enlarge the corporate powers of the Birmingham, Powderly and Bessemer Street Railroad Company;

Internal improvements.

By Mr. Harris of Lee—

s. 327. To prevent alien non-residents from acquiring, holding and owning real property in the state of Alabama; Agriculture.

By Mr. Haralson—

s. 328. To amend charter of the Gurleys and Paint Rock Valley Railroad Company;

Municipal and county organizations.

By Mr. Lackey—

s. 329. To provide for making unknown heirs, devisees, joint owners or tenants in common, parties to proceedings in the probate or chancery court for the division or sale of lands by executors or administrators, or for the partition or sale for partition of lands among joint owners or tenants in common;

Judiciary.

By Mr. Cowan—

s. 330. To create a new county of portions of Clarke, Marengo and Wilcox counties, said new county to be called the county of Herndon;

Municipal and county organizations.

By Mr. Smith of Mobile—

s. 331. To provide for the election of the school district trustees in Mobile county, outside of the city of Mobile, and filling vacancies therein;

Revision of laws.

By Mr. Haralson—

s. 332. To dissolve the bonds of matrimony existing between Jesse M. Masters and Eliza Masters, citizens of DeKalb county, and to allow them to marry again if they see proper; Judiciary.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows:

By Mr. Stansel, from the judiciary, favorably,

s. 119. To amend section 2132 (2507) of the code;

s. 75. To prohibit, in this state, the keeping of any "bucket shop," or place where the pretended buying and selling of stocks, or produce, or provisions, cotton, cotton ties, cotton bagging, made in whole or in part of jute and other articles without any intention of receiving or delivering the property sold, is carried on;

s. 149. To authorize courts of law in certain cases in pending suits, to appoint administrators *ad litem*;

Also, with amendments,

s. J. R. 4. To submit to the people of the state of Alabama, at the general election, to be held on the first Monday in August, 1892, for representatives, for their consideration, an amendment to section 2 of article 2 of the constitution of this state, in reference to reducing the size of the counties;

n. 72. To prevent the tying or staking out of any stock on or alongside of any public road;

n. 207. To change and fix the rule of descents* and distribution in this state as to persons dying intestate, who leave no widow or children, or their descendants, but who leave parents surviving them;

By Mr. Handley, from finance, favorably,

n. 91. To levy a state and county tax on peddlers of clocks;

Also, with amendments,

s. 253. To tax labor agents;

Also, favorably,

s. 251. To provide for the election by the general assembly of Alabama, of a chaplain for both houses of the legislature;

By Mr. Haralson, from local legislation, favorably,

s. 288. To provide for a vote of the people on the subject of a permanent location of the county side of Franklin county;

s. 274. To legalize the marriage of James H. Hafley and Sarah A. Hafley, citizens of the county of Limestone, state of Alabama;

Also, with amendment,

s. 250. To prevent stock from running at large in certain parts of Roanoke beat No. 10, in Randolph county;

By Mr. Skeggs, from education, favorably,

s. 236. To amend an act incorporating the trustees of the Judson Female Institute, approved January 9, 1841;

s. 239. To incorporate Blount college, in Blount county, Alabama;

ii. 164. To establish a separate school district to be known as China Grove school district, in Hale county;

ii. 314. To establish the Cleveland school district in Blount county;

ii. 445. To constitute the town of Attalla a separate school districts and to provide for the management of the public schools of said district;

ii. 358. To incorporate Brewton Collegiate Institute.

By Mr. Milner, from internal improvements, favorably,

s. 303. To incorporate the "Black Warrior Railroad Company," and to further the construction of a railroad.

By Mr. Inzer, from municipal and county organizations, favorably,

ii. 104. To authorize the court of county commissioners of Fayette county to issue the bonds of said county for an amount not exceeding twenty thousand dollars, for the purpose of building a court house and jail in said county;

ii. 129. To confirm the ordinance passed by the mayor and council of the town of Decatur and the contract in pursuance thereof, passed on the 7th day of October, 1890, granting to J. Judson Barclay, J. C. Hallowell and J. D. Jervis the right to operate and maintain a line of railroad over and along Market, Washington, Davis and Lee streets, in the town of Decatur;

s. 240. To establish a charter for the town of Gurleys in Madison county;

s. 233. To confirm, amend and enlarge the charter of the Birmingham Railway and Electric Company;

s. 232. To authorize the intendant and councilmen of the town of Highlands, in the county of Jefferson, to issue bonds of said town for an amount not exceeding seventy-five thousand dollars (\$75,000), for the purpose of building and con-

structing sewers and making other permanent improvements in said town and paying off floating debt of said town;

s. 283. To establish a new charter for the town of Carrollton;

s. 287. To ratify and confirm the charter of the Lady Ensley Coal, Iron and Railroad company;

s. 296. To amend section 2 of an act entitled an act to authorize the Macon and Birmingham Railroad Company, a corporation under the laws of Georgia, to construct, maintain and operate its railroad within the state of Alabama, and do all other things needful for that purpose, approved February 27th, 1889;

Also, with amendments,

s. 273. To incorporate the Birmingham Trust and Security Company;

s. 286. To incorporate the Jasper Water Works Company;

s. 247. To incorporate the Cotton States Telephone and Telegraph Company;

By Mr. Godfrey, from penitentiary, favorably.

s. 265. To amend section 4591 of the code;

s. 264. To amend section 4631 of the code;

Also, favorably, with an amendment.

s. 218. To amend an act to provide for the payment of costs on convictions of felony where the defendant is sentenced to imprisonment in the penitentiary, approved February 25th, 1889;

By Mr. Cowan, temperance, favorably.

ii. 348. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks, or fruits preserved in alcoholic liquors, within the corporate limits of the town of Moulton, in Lawrence county, or within five miles thereof, and other places therein named, approved February 28, 1889, so far as the same relates to the corporate limits of Moulton, Lawrence county, or within five miles thereof.

ii. 467. To prohibit the selling, giving away, or disposing of spirituous, vinous or malt liquors, or of alcoholic bitters, cordials, or beverages of any kind in Sumter county.

Mr. Skeggs, from the committee on education, returned the senate bills Nos. 221 and 222, which were recommitted to the judiciary committee.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed, and ordered forthwith to the senate without engrossment, the bill,

H. 657. To establish a district in Limestone county in which it shall be unlawful for hogs, sheep and goats to run at large;

And has originated and passed the following bills:

H. 254. To amend section 4429 of the code of Alabama;

H. 222. To require county administrators to keep a book of record, and to make such a book of record free for examination of all persons;

H. 223. To amend subdivision 2 of section 629 of the code;

H. 338. To provide for the payment for the publication of the laws of a general and public character passed at the second sitting of the session of 1888-89 of the general assembly of Alabama;

H. 84. To prohibit pools, trusts or combines to regulate or control the prices of produce or goods, wares and merchandise in this state;

H. 340. To amend section 4592 of the code;

And has amended as therein shown, and as amended has concurred in the senate joint resolution relative to the force bill;

And has adopted a joint resolution,

Authorizing the employment of an expert clerk by the joint committee appointed under section 34 of the code;

And has passed the bill,

s. 50. To provide a system of water works for the city of Montgomery.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bills in the foregoing message were severally read once, and referred to appropriate committees, as follows:

H. 254, 84, to judiciary;

H. 657, to local legislation;

H. 338, to printing;

H. 340, to penitentiary;

- ii. 223, to temperance ;
- ii. 222, to revision of laws.

The senate concurred in the house amendment to the senate joint resolution regarding the force bill.

The house joint resolution authorizing the employment of an expert clerk for the joint committee appointed under section 34 of the code,

Was referred to the finance committee.

BILLS ON THIRD READING.

The bill,

s. 270. To amend section one of an act entitled an act for the preservation of game animals and birds, in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, approved February 13th, 1879, so far as the same relates to Autauga county,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Wiley—21.

The bill,

s 248. To establish and define the corporate limits of the city of Gadsden,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

s. 242. To amend section twenty-seven of an act entitled "an act to establish a new charter for the city of Huntsville," approved December 12th, 1888,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—25.

The bill,

s. 267. To authorize the mayor and city council of Jacksonville to issue bonds of said city for an amount not exceeding fifty thousand dollars, for the purpose of making and improving streets, the public square, and grounds about the public spring, and in paying whatever outstanding floating, not bonded, indebtedness said city may have at the passage of this act.

Was taken up.

Mr. Grant moved to strike out section 7 of the bill. Carried.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Stansel, Steagall, Williams—22.

The bill,

ii. 418. To amend an act passed by the general assembly of Alabama and approved February 28th, 1889, entitled an act for the preservation of game animals and birds in the county of Greene,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

At 12 o'clock m., the senate proceeded to consider

THE SPECIAL ORDERS.

The senate joint resolution.

s. j. r. 2. Proposing amendment to section 2 of article 11 of the constitution of Alabama,

Was taken up.

Mr. Skeggs offered an amendment, which was adopted.

Mr. Smith of Mobile offered an amendment.

Mr. Haralson offered a substitute therefor, and pending its consideration, on motion of Mr. Wiley,

The joint resolution and amendments were laid on the table—yeas 17, nays 9.

Yeas—Mr. Cowan, Davie, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Lackey, Milner, Minge Parker, Skeggs, Stallworth, Stansel, Steagall, Wiley, Williams—17.

Nays—Mr. President, Bradley, Berry, Haralson, Hundley, Inzer, Nesmith, Smith of Autauga, Smith of Mobile—9.

The bill,

s. 131. To amend section 1319 (1544) of the code,

Was taken up.

The pending amendment proposed by the committee was adopted, as follows :

Amend by striking out the last clause, which reads, "nor shall any license be issued for the sale at retail, or wholesale, of any such liquors within five miles of any church, or school house, situated outside of a town of more than one thousand inhabitants."

Mr. Stansel offered an amendment, which was, adopted, as follows :

Provided, this act shall not go into effect, until December 31, 1891.

Mr. Wiley offered an amendment, which was adopted, as follows :

Strike out the words, "of the village, town, or city, or ward, or precinct," where they occur in the 5th and 6th lines of the bill, and insert in lieu thereof, the words, "the precinct," before the words, "the corporate limits," and, also, by inserting after the words, "corporate limits," the words, "of the village, or ward of the town, or city."

Mr. Bloch offered an amendment to submit this act to the people for ratification at the next election, which, on motion of Mr. Cowan, was tabled.

Mr. Nesmith offered an amendment, excepting Lawrence and Colbert counties from the provisions of the bill, and pending its consideration,

On motion of Mr. Godfrey, the further consideration thereof was suspended to allow him to make,

A REPORT FROM THE JOINT COMMITTEE ON THE JUDICIAL CIRCUITS,
AND CHANCERY DIVISIONS.

The report was read, as follows :

To the Senate and House of Representatives:

The joint committee appointed to take into consideration the propriety of increasing the number of judicial circuits and chancery divisions in this state and of re-arranging the same and to prepare bills providing for an increase of the number

of judicial circuits and chancery divisions if it should be deemed advisable make the following report:

During the recess the committee addressed a circular letter to each circuit judge, circuit solicitor, circuit clerk, chancellor, and register in chancery in this state, calling for information in detail pertaining to the inquiry embodied in the resolution, and which the committee was required to answer.

1. The information derived by the committee from sources above named and pertaining to the chancery courts and from other sources is very meagre and does not show a sufficient demand for the creation of a new chancery division, therefore, the formation of a new chancery division is not deemed advisable.

2. The information derived by the committee from all available sources and which information is very full, and in detail shows a demand upon the circuit judges of the state of one hundred and two more weeks of court time. The demand for nearly all of this additional time comes from a part of the counties in the second and third circuits and from the counties of the 8th and 9th circuits and makes the creation of two additional judicial circuits not only advisable, but necessary for the administration of justice. In many of these counties the dockets are already so crowded that under the present time allowed it would take perhaps two years to clear them of the cases already in court. The committee ascertained upon full and careful investigation that the present number of judges cannot meet the requirements for additional time for the courts. Under the time, as fixed in the code of 1886, the average time a circuit judge was required to sit on the bench was thirty-two and a fraction weeks in the year. Under the statutes passed since then, the average time of the circuit judge has been much increased. On account of the growth of the population of the state, the rapid development of our natural resources has greatly increased litigation, so that the present number of circuit judges cannot dispose of the business of the courts promptly to the end that justice may be done without delay. And the committee has heard no complaints against the judges themselves, but they have been uniformly reported to be learned, efficient and industrious. Therefore, your committee herewith reports a bill for the formation of two additional circuits.

3. To meet the demand for the additional time required for the chancery court of Tuskaloosa county, the committee

reports that a bill can be introduced giving the said court three additional days of time.

4. Your committee herewith reports a bill changing the time of holding the circuit court of Tuscaloosa county, which will meet the demand for additional time in that county.

5. Your committee reports a bill to define the second judicial circuit, a bill to define the third judicial circuit, and a bill to define the eighth, ninth and tenth judicial circuits.

L. D. GODFREY,
 N. STALLWORTH,
 M. L. STANSEL,
 W. W. HARALSON,
 OSCAR R. HUNDLEY,
 MAC. A. SMITH,
 R. A. LEE,
 H. D. CLAYTON,
 H. D. LANE,
 J. H. HARRIS,
 W. W. QUARLES,
 W. BREWER,
 M. B. KELLY,
 C. A. B. EDWARDS.

In accordance with the request of said committee, Mr. Godfrey introduced the following bills:

s. 333. To define the eighth judicial circuit, the ninth judicial circuit and the tenth judicial circuit of the State of Alabama, and to fix the times and places of holding courts in the counties thereof;

s. 334. * To create two additional judicial circuits in the State of Alabama, one of them to be numbered and called the eleventh judicial circuit, and the other to be numbered and called the twelfth judicial circuit, and to fix the times and places of holding courts in each of said circuits, and to provide for a judge and solicitor for each of said judicial circuits;

s. 335. To define the third judicial circuit of the State of Alabama, and to fix the times and places for holding the courts therein;

s. 336. To define the second judicial circuit of the State of Alabama, to fix the times and places for holding the courts therein, and to provide a solicitor for said circuit;

And the said bills were severally read once and referred to the judiciary committee.

ADJOURNMENT.

At two o'clock p. m., on motion of Mr. Wiley, the senate adjourned.

THIRTIETH DAY.

SATURDAY, Jan. 24th, 1891.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Cummings, of the city.

Present—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Wiley, Williams—24.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Hayes, Bradley, Steagall, Davie and Stallworth for one day, to Mr. Haralson for next week, and to Mr. Bamburg, assistant door keeper indefinitely, on account of sickness.

CALL OF DISTRICTS.

Bills were introduced, read once and referred to appropriate committees, as follows:

By Mr. Handley—

s. 337. To provide for the election of the superintendent of education in Randolph county, by the vote of the people of the county, as other county officers are; and to provide the length of the term of office of the superintendent of education in said county, to be appointed in October 1891;

Privileges and elections.

Mr. Smith, of Autauga—

s. 338. To regulate the time of holding the circuit courts in the fifth judicial circuit of Alabama.

Judiciary.

Mr. Harris, of Lee—

s. 339. To prevent stock from running at large in beat four in Lee county;

Agriculture.

Mr. Godfrey—

s. 340. To provide for the times of holding the circuit court in the sixth judicial circuit of this state.

Judiciary.

Mr. Harris, of Hale—

s. 341. To relieve Helen C. Lewis, of Hale county, of the disabilities of non-age;

Local legislation.

Mr. Bloch—

s. 342. To require registers in chancery, sheriffs, judges of probate, receivers, assignees, or other parties, authorized by law to receive moneys in satisfaction of decrees, to deposit such money with the county treasurer;

Revision of laws.

Mr. Parker—

s. 343. To amend section 4492 of the code;

Penitentiary.

Mr. Smith, of Mobile—

s. 344. To incorporate the Mobile Transportation Company, and to define the powers of said company;

Municipal and county organizations.

Also,

s. 345. To incorporate the Pan American Transportation Company, and to define its powers.

Municipal and county organizations.

Mr. Minge—

s. 346. To pay the clerk of the supreme court a salary, and to require the supreme court clerk fees to be paid into the state treasury.

Judiciary.

Mr. Nesmith—

To incorporate Sheffield Savings and Trust Company;

Internal improvements.

RESOLUTION.

By leave, Mr. Bloch offered the following resolution:
Be it resolved by the senate of Alabama, that, commencing

Monday, the 26th of January, the senate shall assemble at 9 a. m. and adjourn at 2 p. m. ; re-assemble at 3 p. m., and adjourn at 6 p. m.

The resolution was referred to the committee on rules.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows :

By Mr. Stansel, from the judiciary, favorably,

s. 157. To limit the time within which minors may repudiate their deeds and contracts after reaching their majority ;

s. 152. To provide for the sale under execution, attachment, decree of a court of record or other judicial process of the right of redemption of real estate sold under execution, decree, mortgage or deed of trust ;

s. 229. To punish the intimidation of voters at any election held in this state ;

s. 306. For the protection of widows and minor children ;
Also, with amendment,

s. 154. To amend section 3216 of the code ;

By Mr. Haralson, from local legislation, favorably, with a substitute,

h. 273. To amend section 1 of an act to protect game animals and birds in the counties of Hale and Cullman and Greene so far as the same applies to Hale county, approved February 27th, 1889 ;

Also, favorably,

h. 657. To establish a district in Limestone county in which it shall be unlawful for hogs, sheep and goats to run at large ;

s. 308. To amend section 488 of the code of Alabama, as far as the same applies to the county of Mobile.

By Mr. Milner, from a select committee, favorably,

s. 324. To amend sections 16, 17 subdivision 11 of section 21, and section 29 of the act entitled an act to establish a new charter for the city of Birmingham, approved the 12th day of December, 1890.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, January 24th, 1891.

Mr. President :

I am directed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,
Private Secretary.

The message was read as follows :

CHIEF EXECUTIVE OFFICE,
January 24th, 1890.

Gentlemen of the General Assembly :

In a large and rapidly growing state, the needs of government and proper care for the public interest will necessarily press from time to time for increased expenditure of public money.

A number of meritorious bills are now pending before you, calling for special appropriations, and a bill is also under consideration providing for a further reduction of taxation.

The proper disposition of these measures compels candid and thoughtful enquiry whether the condition of the treasury is sufficient for the needs of the government, and whether under present conditions, there is any element of real regard for the best interests of the people, in the proposition to still further reduce the rate of taxation.

At the commencement of the present session—excluding special funds not available for general purposes—there was a balance in the state treasury of \$200,944.82. The state's income from property taxes for the fiscal year ending September 30th, 1891, is now a matter of certainty, and after deducting the expense of collection will amount to \$935,918. The total income from other sources it is certain will not amount to more than \$600,000, so that the legislature will have to subject to appropriations for the fiscal year the sum of \$1,736,862

The ordinary disbursements for the corresponding period, not including any special appropriations whatsoever, will amount to \$1,697,320, and would leave a balance on hand September 30th, 1891, of \$39,542, provided no special appropriations are made.

The auditor estimates the total income for the fiscal year ending September 30th, 1892, as \$1,624,500, which with the balance of \$39,542, would make available for general appropriations during that fiscal year \$1,664,042.

He estimates disbursements for the same period \$1,627,088—not including any special appropriations whatsoever—which would leave \$36,954 in the treasury after every dollar of the income estimated by him has been received.

The only estimated increase of importance for the fiscal year ending September 30, 1892, is \$100,000, and this is from an increase in value of property. Except as to some railroad enterprises not yet finished, and which will be subject to taxation in 1892, the estimate of increase from this source is purely conjectural. This estimated increase of \$100,000 on the value of the property is arrived at by taking ten per cent. increase on the preceding year's estimate, and this calculation is borne out by the experience of the past few years, but there are contingencies which are likely to produce different results. The great loss of confidence and feeling of uncertainty which would result from the passage of the "Force bill"—which now seems highly probable—would go a great way towards decreasing instead of increasing values. Any serious disaster to our staple crops would also have a depressing effect on the values assessable in 1892. The presidential election which occurs in that year always interferes more or less with business and exercises a downward rather than an upward tendency in values.

For all these reasons it would seem that the calculation of increase of \$100,000 in general taxes is probably not well founded. If the increase is only \$50,000 it will leave a small deficit in the treasury on the 30th September, 1892, although no special appropriations whatever are made.

It is also proper to state that the extension of prohibition laws over territory where licenses were formerly issued may decrease the amount from that source to some extent.

It is proper also to state that there may be confidently expected an increase of at least ten thousand dollars from

the convict system if the measures which failed from errors in enrollment are re-enacted, as I doubt not that they will be.

For this condition of the treasury you are no wise responsible. It has resulted from the rapid reduction of taxation to such a low rate, that the state has now practically no more revenue for carrying on the government than it had in 1876; and this in the face of the fact that its increase in population, since then, has been over 300,000 and the increase in values has been \$123,133,873.

It is the inevitable result of cutting down taxes beyond the limits demanded by an enlightened and economical administration of the people's government. It hardly admits of question that such government policy is not the wisest, best, or to the truest interests of the people.

Since 1876, in addition to the large increase in population, business and industries have been greatly diversified, and the subjects and problems with which government has to deal have steadily grown in number. Under the restricted policy in the past, many of the real wants of government have been practically ignored, until the pressure for help can no longer be denied. The needs of the insane and for the deaf, dumb and blind have increased and continued to demand recognition and aid. The maimed and indigent confederate soldiers can no longer be left to make their way as best they can. The public schools urgently demand more money. The time allotted for the administration of justice in several circuits, practically makes the courts there a mockery. Our highest court is overburdened with work, and an addition to its membership is urgently demanded by every consideration of the public good. The state-house itself is badly in need of repairs which cannot be postponed.

These are some of the important matters—in addition to the ordinary and usual appropriations for schools, the payment of interest on the public debt and the expense of civil government—which the state must provide for now, unless it is willing to inflict upon its people the evils of a practical abdication of some of the highest functions of good government.

This condition of things should be an ample and emphatic answer to the disposition manifested in some quarters to delude the people by talk of further reduction of the tax rate at this time. Such a reduction, if made, would result in

great harm to the state and every interest with which government has to deal. Our financial situation, therefore, calls for calm and thoughtful deliberation. It does not demand niggardly economy, or denial of the meritorious wants which press upon the legislature.

It is believed that an increase of the judicial circuits and an addition to the membership of the supreme court will result in the unclogging of the wheels of justice in criminal as well as civil matters, and will in the matter of feeding prisoners alone, save nearly as much as the cost of providing for the circuits.

The amount recommended to be expended in improvements and additions to the penitentiary, as already stated, will probably be met by the increased income from the convict system. The state's receipts for this purpose might be added to by the sale of the state farm, if the legislature will authorize it. It is subject to overflow, is sickly, has no improvements upon it, and no timber which is worth the cost of cutting and hauling to market. It has been rented for a number of years at \$500 per annum, and there is reason to believe that it could be sold for something more than six thousand dollars. I recommend that the legislature fix a minimum bid, and authorize the property to be sold and conveyed, and the proceeds paid into the treasury to aid in defraying the expenses necessary for the additions which may be authorized to the penitentiary.

In the auditor's estimate of disbursements for this fiscal year and that ending September 30th, 1892, is included \$5,000 per annum for repairing and refurnishing the capitol. This amount is absolutely necessary for the safety and preservation of the building, and the appropriation is not an additional appropriation within the meaning of the term as here used. It would save expense to the state in the long run if the building were heated by steam and lighted by electricity. At present its halls are shockingly ventilated, exposed to cold draughts, and unmodern in every respect. There has been scarcely a year in which the death of some member of the general assembly could not be traced to exposure in its badly ventilated halls and the damp and cold draughts of air which sweep the approaches to them. No man whose opinion is worth respecting, could object to a reasonable appropriation by the people's representatives to cure these evils.

The legislature has already made proper provision for the

accommodation of the insane out of this year's revenues, and may still make out of next year's revenues a similar appropriation for the deaf, dumb and blind.

During the two last fiscal years, the legislature appropriated twenty-five thousand dollars per annum for the relief of the maimed and indigent confederate soldiers and widows; or, more accurately speaking \$50,000 at the first fiscal year of the biennial session. The auditor's estimate of expenditure for this and the next fiscal year do not include any expenditures under this head. Humanity, honor and proper self respect, all demand that this state should make some appropriation for this large and deserving class of our fellow-citizens. There should be no hesitation in imposing a special tax to meet it.

THOS. G. JONES,
Governor.

On motion of Mr. Godfrey one hundred copies of the governor's message were ordered printed for the use of the senate and the message was referred to the committee on finance.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bills :

11. 217. To authorize the laying off of the county of Pike into commissioners districts and providing for the election of commissioners by the qualified voters of the county ;

11. 259. To amend section 141 of the code ;

11. 433. To provide a fund for the payment of witnesses for the state in the circuit and county courts of Wilcox county and to prescribe their compensation ;

11. 460. To prohibit the sale of vinous, malt or spirituous liquors or other intoxicating drinks within six miles of the Monnt Moriah Freewell Baptist church, Pickens county, Alabama ;

11. 543. To amend section (10) ten of an act entitled an act to provide a new charter for the city of Tusculmbia, Alabama ;

11. 605. To reimburse the sheriff of Hale county for the extradition of Tom Walker ;

And has amended as therein shown and as amended has concurred in the senate amendment to

H. 146. To establish a charter for the town of Woodlawn, in Jefferson county, Alabama.

The house has adopted the joint resolution herewith sent, Thanking the Illinois legislature for its action regarding the election bill on yesterday and our members of the United States congress for their opposition to said measure.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bills in the foregoing message were severally read once and referred to appropriate committees, as follows :

- H. 217, to local legislation ;
- H. 259, to judiciary ;
- H. 433, 605, to finance ;
- H. 460, to temperance ;
- H. 543, to municipal and county organizations.

The senate concurred in the house amendment to the senate amendment to the bill,

H. 146. To establish a charter for the town of Woodlawn, in Jefferson county, Alabama—yeas 21, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—21.

The senate concurred in the house joint resolution on the election or force bill.

BILLS ON THIRD READING.

The bill,

H. 440. To regulate the pay of the judge of probate and clerk of the circuit court of Covington county, for services ex-officio,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Parker, Smith of Autauga, Smith of Mobile, Stansel, Williams—18.

The bill,

S. 303. To incorporate "The Black Warrior Railroad Company" and to further the construction of a railroad,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—18.

On motion of Mr. Hargrove, the bill,
s. 34. To extend the usefulness and efficiency of the geological and agricultural survey of Alabama,

Was taken up.

Mr. Hargrove offered an amendment to the pending substitute, as follows: Amend by striking out "\$7,500" and inserting in lieu thereof "\$10,000" in the fifth line of section 2 of the substitute.

At the hour of 12 o'clock m., and pending the consideration of said amendment, Mr. Bloch moved that the senate proceed to consider the unfinished business of yesterday.

Mr. Milner moved to lay the motion on the table.

The president ruled the motion to lay on the table out of order.

Mr. Grant moved as a substitute that all the special orders of yesterday be postponed and that the senate proceed with the bill under consideration, extending the geological survey.

The motion to postpone the special orders prevailed, and the senate resumed consideration of the bill referred to.

Mr. Wiley moved to lay the pending amendment on the table.

Lost—yeas 12, nays 12.

Yeas—Mr. Berry, Downey, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Skeggs, Smith of Mobile, Wiley.—12.

Nays—Mr. President, Bloch, Cowan, Grant, Godfrey, Handley, Haralson, Harris of Hale, Milner, Smith of Autauga, Stansel, Williams.—12.

The amendment was lost—yeas 12, nays 12.

Yeas—Mr. President, Bloch, Cowan, Grant, Godfrey, Handley, Haralson, Harris of Hale, Milner, Smith of Autauga, Stansel, Williams.—12.

Nays—Messrs. Berry, Downey, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Skeggs, Smith of Mobile, Wiley.—12.

Mr. Wiley offered an amendment to the substitute, as follows: Strike out \$7,500 in section 2 and insert \$5,000.

On motion of Mr. Haralson the amendment was laid on the table—yeas 15, nays 8.

Yeas—Mr. President, Bloch, Cowan, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Milner, Parker, Skeggs, Smith of Autauga, Stansel, Williams—15.

Nays—Mr. Berry, Downey, Harris of Lee, Inzer, Minge, Nesmith, Smith of Mobile, Wiley—8.

The substitute was then adopted, and the bill read a third time and passed—yeas 19, nays 3.

Yeas—Mr. President, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Harris of Hale, Hundley, Inzer, Milner, Nesmith, Parker, Skeggs, Smith of Autauga, Stansel, Williams—19.

Nays—Mr. Minge, Smith of Mobile and Wiley—3.

The bill.

s. 120. To incorporate the city of Ashville, in St. Clair county, Alabama,

Was taken up and the pending amendment adopted.

The bill was then read a third time and passed—yeas 17, nays 0.

Yeas—Mr. Cowan, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Milner, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Wiley, Williams—17.

ADJOURNMENT.

At 2:10 o'clock p. m., on motion of Mr. Haralson, the senate adjourned.

THIRTY-FIRST DAY.

MONDAY, Jan. 26th, 1891.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Thompson of the city.

Present—Mr. President, Berry, Bloch, Cowan, Davie, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—25.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted Messrs. Downey, Bradley and Hayes, on account of sickness, and to Mr. Compton for one day on account of sickness.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows:

By Mr. Nesmith—

s. 348. To incorporate National Banking Investment and Trust Company;

Internal improvements.

By Mr. Skeggs—

s. 349. To regulate and define the salaries of teachers in the public schools of the State of Alabama;

Education.

Also,

s. 350. To provide for the adoption of a uniform series of text books for use in the public schools of Morgan county, Alabama;

Education.

By Mr. Inzer—

s. 351. To carry into effect the provisions of section 23 of article 14 of the constitution of Alabama, in reference to railroads and other transportation companies granting free passes to certain persons therein named;

Judiciary.

By Mr. Berry—

s. 352. To amend section 2 of an act entitled an act to provide for the holding of a term of the circuit court, of the fifth judicial circuit, at Alexander City, in the county of Tallapoosa, and to regulate the same, passed February 15, 1889, so as to increase the jurisdiction thereof;

Revision of laws.

By Mr. Hargrove—

s. 353. To provide for the holding of two additional terms of the circuit court for the county of Tuskaloosa;

Revision of laws.

Also,

s. 354. To better provide for the establishment and working of the public roads in this state;

Joint committee on public roads.

By Mr. Milner—

s. 355. To authorize and require the commissioners court of Jefferson county, Alabama, to pay to the judge of the tenth judicial circuit of Alabama, \$75.00 per week for every week court is held by him in the said circuit in excess of thirty-two weeks in any one year ;

Local legislation.

Also,

s. 356. To regulate the fees of the judge of probate, in the matter of the exemptions to widows and minor children, so far as the same relates to Jefferson county ;

Judiciary.

Also,

s. 357. To amend section 3217 of the code of Alabama, so far as the same relates to Jefferson county ;

Local legislation.

Also,

s. 358. To empower William C. Ward as the administrator of the estate of John B. Boddie, deceased, to sell the property of said estate without order of court, and to borrow money by mortgaging the property of said estate to pay debts ;

Judiciary.

Also,

s. 359. To amend section 521 of the code, so far as the same relates to Jefferson county ;

Revision of laws.

By Mr. Bloch—

s. 360. To require the tax assessor of Wilcox county to give to parties assessing taxes a copy of their assessment ;

Finance.

Also,

s. 361. To require justices of the peace to try cases, under their jurisdiction ;

Revision of laws.

By Mr. Williams—

s. 362. To incorporate the Mobile, West India Island and South American Steamship Company ;

Internal improvements.

By Mr. Harris of Hale, (by request)—

s. 363. To authorize the governor of Alabama to adjust and settle the claim of Johnstone Jones, for services rendered the state of Alabama, in restoring from the United States to the State of Alabama the quota of arms and equipments ;

Military.

By Mr. Parker—

s. 364. To fix the time for holding the chancery courts in Randolph, Chambers, Lee, Tallapoosa and Coosa counties, in the north eastern chancery division of the State of Alabama ;
Revision of laws.

By Mr. Harris of Hale—

s. 365. To amend sections three and six and repeal sections four and five of an act entitled an act to regulate the state witnesses' fees in Hale County, Alabama, and to provide for the payment of the same ;

Local legislation.

REPORT ON ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bill and joint resolution correctly enrolled, viz :

s. J. R. Joint resolutions in regard to the bill now pending in the congress of the United States, commonly known as the "force bill."

s. 50. To provide a system of water works for the city of Montgomery.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested :

n. 87. To amend section 2 and paragraphs 5, 7, 9, 10 and 13 and section 4, and sections 9 and 10 of an act entitled "An act to provide for a charter for the city of Jasper in Walker county, Alabama," approved February 6th, 1889 ;

n. 146. To establish a charter for the town of Woodlawn, in Jefferson county, Alabama ;

n. 418. To amend an act passed by the general assembly of Alabama and approved February 28th, 1889, entitled an act for the preservation of game animals and birds in the county of Greene.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate,

immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing report of enrolled bills and house message.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, ALA. Jan. 26, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing, with accompanying document.

J. K. JACKSON,
Private Secretary.

The message was read, as follows :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, January 26, 1891.

To the Senate:

In compliance with joint resolution certified to me this day, I herewith return H. B. 109.

THOS. G. JONES,
Governor.

On motion of Mr. Milner, by unanimous consent, the vote by which the bill just returned by the governor was passed and ordered to a third reading were reconsidered, and the secretary instructed to place the said bill on the calendar.

BILLS ON SECOND READING.

Bills were reported from committees and read a second as follows :

By Mr. Stansell, from the judiciary, favorably,
s. 310. To provide for repairing and furnishing the capitol and improving the capitol grounds ;

By Mr. Smith, from agriculture, favorably,

s. 269. To make an appropriation for the benefit of the State Agricultural Society for 1891;

s. 339. To prevent stock from running at large in beat four in Lee county;

By Mr. Stallworth, from privileges and elections, favorably,

s. 337. To provide for the election of the superintendent of education of Randolph county by the vote of the people of the county, as other county officers are, and to provide the length of the term of office of the superintendents of education in said county to be appointed in October, 1891;

By Mr. Harris of Hale, from local legislation, favorably,

s. 341. To relieve Helen E. Lewis, of Hale county, of the disabilities of non-age;

Mr. Handley, from the committee on finance, reported favorably the joint resolution,

Authorizing the joint committee appointed under section 34 of the code to employ an expert accountant;

And the said joint resolution was concurred in.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills:

ii. 51. To provide for the legal examination of the dead bodies of persons believed to have been poisoned, and to pay for such examinations;

ii. 82. To preserve order at the Corn House camp-ground in the county of Randolph, Alabama, and Bayne's Chapel camp-ground, Lamar county, Alabama;

ii. 173. To amend sections 1, 7, 15, 16, 19, 21, 23 and 24 of an act entitled an act to establish a criminal court for the county of Pike, with criminal jurisdiction in misdemeanor cases, and to repeal certain sections therein;

ii. 219. To authorize the commissioners court of Russell and Shelby counties to lay off said counties into four commissioners districts, and to provide the manner of electing the county commissioners;

ii. 302. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, at or within certain localities in this state, approved February 28, 1881, so far as the same relates to the corporate limits of the town of Muscadine, in Cleburne county, on the Georgia Pacific railroad;

ii. 402. To make repairs on the capitol building, for furniture in the public rooms, and for work on the capitol grounds;

ii. 508. To amend sections 1, 5, 8 and 13 of an act to regulate the practice and proceedings in civil cases in the circuit court of Jefferson county in this state, and in supreme court on appeal from judgments rendered in said cases, approved February 28th, 1889;

ii. 332. To incorporate the town of Seale, in the county of Russell;

And has adopted joint resolution, herewith sent, requesting the governor to return ii. 109.

And has also originated and passed, and ordered forthwith to the senate without engrossment, the bill,

ii. 652. To provide for the payment of members and expenses of the joint committee, which held its sitting during the recent recess to enquire into the necessity for increasing the judicial circuits and chancery divisions of the state.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once and referred to appropriate committees, as follows:

ii. 51, to judiciary;

ii. 82, to local legislation;

ii. 302, to temperance;

ii. 173, 219, 508, to revision of laws;

ii. 402, to public buildings;

ii. 332, to municipal and county organizations;

ii. 652, to finance.

The senate concurred in the house joint resolution, asking the governor to return ii. B. 109.

BILLS ON THIRD READING.

The bill,

s. 261. To amend sections two and seven of an act entitled "an act to constitute the city of Montgomery a separate school district,"

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bloch, Cowan, Davie, Godfrey, Hand-

ley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autanga, Smith of Mobile, Stansel, Steagall, Williams—22.

The bill,

s. 246. To authorize the mayor and aldermen of the city of Huntsville to issue certain negotiable bonds to an amount not exceeding twenty thousand dollars;

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Berry, Cowan, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autanga, Stallworth, Stansel, Steagall, Williams—23.

The bill,

h. 99. To allow the probate judge, clerk of the circuit court and sheriff of Dale county to sell or dispose of their claims against the fine and forfeiture fund in Dale county, and to make said claims receivable in payment of fines and forfeiture just as state witness claims against said fund are now receivable and payable under the statute of Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Davie, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Skeggs, Smith of Autanga, Stallworth, Stansel, Steagall—20.

The bill,

h. 233. To amend section four of an act entitled an act in relation to trials of misdemeanors in Walker county, approved February 23d, 1883,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Grant, Godfrey, Handley, Harris of Hale, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autanga, Smith of Mobile, Stallworth, Stansel, Steagall—18.

The bill,

h. 232. To authorize the payment of fines and forfeitures in Walker county with the claims of the officers of said county which are now or may hereafter be registered against the fine and forfeiture fund of Walker county,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autanga, Smith of Mobile, Stansel, Steagall—18.

The bill,

H. 191. To repeal an act entitled an act to establish a court of county revenues for Chilton county, approved February 28th, 1887,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bloch, Cowan, Davie, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

H. 129. To confirm the ordinance passed by the mayor and council of the town of Decatur and the contract in pursuance thereof, passed on the 7th day of October, 1890, granting to J. Judson Barelay, J. C. Hallowell and J. D. Jervis the right to operate and maintain a line of railroad over and along Market, Washington, Davis and Lee streets, in the town of Decatur,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bloch, Cowan, Davie, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Williams—20.

The bill,

S. 108. To amend sections 2567 and 3338 of the code of Alabama,

Was taken up.

Mr. Cowan moved to strike out "or other compensation," and insert "or" before "salaries."

Carried.

On motion of Mr. Stansel the bill was recommitted to the judiciary committee.

At the hour of 12 o'clock m., the senate proceeded to consider the

SPECIAL ORDERS.

The bill,

S. 131. To amend section 2319 (1544) of the code;

Was taken up, and the pending amendment was adopted, as follows:

"Provided the provisions of this act shall not apply to the counties of Lawrence and Colbert."

Mr. Hundley offered an amendment, as follows:

Strike out in the 4th line of section 1 the words "house-

holders, who are freeholders," and insert in lieu thereof the words, "qualified electors."

On motion of Mr. Smith of Mobile, the amendment was laid on the table—yeas 15, nays 9.

Yeas—Mr. President, Cowan, Davie, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Milner, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—15.

Nays—Mr. Berry, Bloch, Hundley, Lackey, Minge, Nesmith, Parker, Skeggs, Williams—9.

Mr. Inzer offered an amendment as follows:

Strike out the words "who are," and insert the words "and householders."

Mr. Cowan moved to lay the amendment on the table.

Carried—yeas 13, nays 11.

Yeas—Mr. President, Cowan, Davie, Godfrey, Handley, Harris of Hale, Harris of Lee, Milner, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Steagall—13.

Nays—Mr. Berry, Bloch, Grant, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Skeggs, Stansel—11.

Mr. Hundley offered an amendment, as follows:

Strike out the following words in lines 7, 8, 9, 10, of the printed bill, "which said recommendation shall be advertised with the names appended at the cost of the applicant for four weeks before such application shall be considered, such advertisement to be once a week in a newspaper published in the county in which the sale is proposed to be made, or by notice posted on court house door, if there be no newspaper published in the county."

On motion of Mr. Steagall, the amendment was laid on the table—yeas 13, nays 12.

Yeas—Mr. President, Cowan, Davie, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Milner, Parks, Smith of Mobile, Stallworth, Steagall—13.

Nays—Mr. Berry, Bloch, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Stansel, Williams—12.

Mr. Parks offered an amendment, as follows:

"Provided further that no license must be granted to retail spirituous, vinous, or malt liquors outside of an incorporated village, town, or city."

Mr. Nesmith moved to lay the amendment on the table.

Lost.

The amendment was adopted—yeas 19, nays 5.

Yeas—Mr. President, Berry, Bloch, Cowan, Davie, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Parker, Parks, Skeggs, Stansel, Steagall—19.

Nays—Mr. Milner, Nesmith, Smith of Autauga, Smith of Mobile, Stallworth—5.

Mr. Cowan moved to reconsider the vote by which the amendment was adopted.

Lost.

Mr. Smith of Mobile, offered an amendment, which was adopted, as follows :

“Exempt Mobile county from the provisions of this act so far as it applies to the county outside of the city of Mobile.”

Mr. Minge offered an amendment, which was adopted, as follows :

“Provided that the provisions of this act shall not apply to Marengo county.”

The bill was read a third time and passed—yeas 19, nays 4.

Yeas—Mr. President, Berry, Cowan, Davie, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Milner, Minge, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—19.

Nays—Mr. Bloch, Hundley, Lackey, Skeggs—4.

The joint resolution,

s. J. R. 5. Relating to the convict system ;

Was taken up.

ADJOURNMENT.

And pending its consideration, on motion of Mr. Inzer, at 2:20 p. m., the senate adjourned.

THIRTY-SECOND DAY.

TUESDAY, Jan. 27th, 1891.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Brown, of the city.

Present—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—27.

The journal of yesterday was read and approved.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows :

Mr. Nesmith—

s. 366. To prevent the further importation of horses into this state, from any other state, known and commonly called Texas ponies ;

Agriculture.

Mr. Skeggs—

s. 367. To regulate hunting, catching, and killing wild hogs in Morgan county, Alabama ;

Agriculture.

Also,

s. 368. To prevent fence breaking, cattle from running at large ;

Agriculture.

Also,

s. 369. To require the county treasurer of Winston county, to register all claims against the county, which have not heretofore been registered as required by law ;

Local legislation.

Also,

s. 370. To provide for the trial of misdemeanors in Winston county ;

Revision of laws.

Mr. Grant—

s. 371. To allow J. D. McCormick of Calhoun county, to peddle without license ;

Local legislation.

Also,

s. 372. To amend sections 2081 and 2083 of the code of Alabama ;

Revision of laws.

Mr. Milner—

s. 373. To provide liens for mechanics and materialmen ;

Revision of laws.

By Mr. Stallworth—

s. 374. To authorize the construction of tramways, pole-roads, canals and ditches by corporations, associations, partnerships and individuals, in Conecuh, Butler, Crenshaw and Covington counties;

Internal improvements.

By Mr. Harris of Lee—

s. 375. To amend section 4641 of the code;

Penitentiary.

By Mr. Compton—

s. 376. To create a lien in favor of the owners or keepers of pastures in Dallas county, for the payment of their charges for keeping and pasturing stock;

Agriculture.

By Mr. Wiley—

s. 377. To incorporate Montgomery Investment, Banking and Trust Company;

Judiciary.

Also,

s. 378. To incorporate the Montgomery Loan and Trust Company;

Judiciary.

By Mr. Smith of Autauga—

s. 379. To prevent the spread of the disease commonly known as "Glanders" among horses;

Agriculture.

By Mr. Godfrey—

s. 380. To authorize and empower Mary Gray Baker, wife of F. S. Baker, a minor, residing in Sumter county, Alabama, to sell, convey and make title to certain real estate in the state of Mississippi, being her separate estate;

Judiciary.

By Mr. Nesmith—

s. 381. To allow persons who are unable to make a livelihood by manual labor, a free license to peddle in the counties of Lawrence and Colbert;

Local legislation.

By Mr. Stallworth—

s. 382. For the relief of persons who have paid for and taken out a liquor license for the year 1891 improperly;

Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has passed the following joint resolution :

Resolved by the house, the senate concurring, that the governor be requested to return to the senate house bills Nos. 381 and 87;

The house has also originated and passed the following bills :

H. 137. To provide for the teaching, in the public schools, of physiology with hygiene with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system;

H. 231. To repeal an act entitled an act to increase the criminal jurisdiction of justices of the peace and notaries public having like powers in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, approved February 8, 1887, so far as the same relates to Walker;

H. 327. To fix the fees of the circuit clerk of Hale county;

H. 469. To authorize the citizens of beats 3, 7, 14, 15 and 18 of Tallapoosa county, to erect gates across public and private roads in said beats;

H. 528. To repeal an act entitled an act to amend an act to regulate the fees of officers of court against the fine and forfeiture fund of Wilcox county;

H. 537. To amend an act entitled an act to incorporate the town of Northport, approved February 12, 1879, by adding the following additional sections to said act incorporating said town;

S. 542. To authorize the election of four commissioners, for the court of county commissioners of Chilton county, and to direct the court of county revenues of said county to turn over and deliver the records and papers on file in said court to the court of county commissioners of said county of Chilton;

H. 634. To amend section one of an act to establish partial stock law districts in Talladega county, so as to include precincts seven, eight, eleven, and all of that part of two lying east of the Jackson Trace road; and beat No. 3, and sections 6 and 7, and north half of section 5, in beat No. 13, township 20, and range 5, in said county;

H. 642. To prescribe the time when taxes shall become delinquent in the county of Chambers;

H. 692. For the relief of Burwell R. Burns, of Choctaw county, Alabama;

II. 319. To ratify and amend the charter of the Security Bank of Alabama;

II. 370. To authorize the mayor and city council of Anniston to issue bonds of said city for an amount not exceeding fifty thousand dollars, for the purpose of purchasing land, and erecting and equipping school buildings thereon;

II. 372. To amend the caption and sections (1) and eight (8) of an act entitled an act to prevent horses, mules, asses, cows, hogs, sheep and goats from running uncontrolled on crops in beat number five and beat number eight in Butler county, and to prescribe a rule of damages and rules of protection in the trial of cases under this act, approved February 18th, 1889;

II. 407. To regulate the fine and forfeiture funds of Conecuh and Escambia counties, and the disposal of moneys arising from fines, forfeitures and convict labor in said counties;

II. 510. To establish a uniform series of standard school books to be used in the free public schools in Marshall county;

II. 346. To incorporate the town of Edwardsville;

II. 316. To declare Clark Frizzle and W. C. Frizzle liners between the counties of Bullock and Montgomery, citizens of Montgomery county;

II. 518. To regulate trials by juries in the county court of Clarke county;

And has passed senate bills:

s. 24. To protect chickens and other poultry on the premises in night time;

s. 235. To provide for the election of the county board of commissioners of Autauga county;

s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state;

s. 66. To constitute the city of Anniston a separate school district and to provide a board of education therefor.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bills in the foregoing house message were severally read once, and referred to appropriate committees, as follows:

II. 316, 518, to judiciary;

II. 372, to revision of laws;

- H. 231, 327, 469, 528, 542, 634, to local legislation ;
- H. 642, 692, 370, 407, to finance ;
- H. 537, 346, to municipal and county organizations ;
- H. 137, 510, to education ;
- H. 319, to internal improvements.

The senate concurred in the house joint resolution, asking the governor to return house bills 381 and 87.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, January 27th, 1891.

Mr. President :

I am directed by the governor to communicate to the senate a message in writing with accompanying documents.

J. K. JACKSON,
Private Secretary.

The governor's message was read as follows :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, January 27th, 1891.

To the Senate :

In compliance with joint resolution certified to me this day, I herewith return house bills numbers 87 and 381.

THOS. G. JONES,
Governor.

On motion of Mr. Milner, the votes by which the house bill 381 was passed and ordered to a third reading were severally reconsidered by unanimous consent.

On motion of Mr Steagall, the votes by which the house bill 87 was passed and ordered to a third reading were severally reconsidered by unanimous consent.

The said bills were ordered to be placed upon the calendar.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows:

By Mr. Stansel, from the judiciary, favorably,

s. 340. To provide for the times of holding the circuit courts in the sixth judicial circuit of this state.

By Mr. Handley, from finance, favorably,

ii. 652. To provide for the payment of the members and expenses of the joint committee which held its sitting during the recent recess to inquire into the necessity for increasing the judicial circuits and chancery divisions of this state.

ii. 605. To reimburse the sheriff of Hale county for the extradition of Tom Walker.

By Mr. Parks, from revision of laws, favorably,

s. 228. To amend section 3781 of the code;

s. 175. To render the certificate of attendance of state witnesses, in cases where the defendant is convicted, void when sold or transferred.

s. 252. To authorize justices of the peace and notaries public with ex-officio powers as justices of the peace in beats 16 and 22, Jefferson county, to exercise exclusive jurisdiction in said beats;

s. 281. To amend section 2359 of the code of Alabama;

s. 282. To amend section 2908 of code of 1886;

s. 321. To amend section 715 of the code of Alabama, relating to the time and places of holding court in the 7th and 16th districts of the northwestern chancery division of Alabama;

s. 327. To amend section 3431 of the code of Alabama;

s. 331. To provide for the election of the school district trustees in Mobile county, outside of the city of Mobile, and filling vacancies therein.

By Mr. Milner, from joint committee on public roads, favorably,

s. 354. To better provide for the establishment and working of the public roads in this state.

By Mr. Milner, from internal improvements, favorably,

s. 309. To authorize and empower the city of Mobile to create, open and establish streets and highways within its corporate limits;

Also, with an amendment,

s. 305. To incorporate the Pythian Temple Company of Birmingham, Ala.

By Mr. Inzer, from municipal and county organizations, with an amendment,

s. 325. To incorporate the Pratt Mines Savings Bank of Pratt Mines, Jefferson county, Alabama;

Also, favorably,

s. 344. To incorporate the Mobile Transportation Company and to define the powers of said company;

s. 322. To confirm and amend the incorporation of the Iron State Building and Loan Company;

s. 298. To amend sections 1, 3 and 9 of an act entitled an act to incorporate the Montgomery and Sylacauga Railroad Company, approved February 11th, 1889;

s. 297. To grant certain rights of way to the Montgomery and Sylacauga Railroad Company;

s. 299. To incorporate the Autauga Volunteer Hook and Ladder Company No. 1, of the town of Prattville;

ii. 145. To amend an act to incorporate the Central City Insurance company, approved November 28th, 1863;

ii. 315. To incorporate Union Springs Male and Female Institute;

ii. 543. To amend section ten (10) of an act entitled an act to provide a new charter for the city of Tusculumbia, Alabama, approved February 28, 1887.

By Mr. Godfrey, from penitentiary, favorably, with amendments,

s. 319. To establish a reformatory for boys under the age of seventeen years;

ii. 340. To amend section 4592 of the code;

By Mr. Harris of Lee, from temperance, favorably,

ii. 454. To prevent the manufacture, sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, vinous or malt liquors or intoxicating bitters or beverages in Holly Springs precinct No. 31, in Jackson county;

ii. 460. To prohibit the sale of vinous, malt or spirituous liquors or other intoxicating drinks within six miles of Mount Moriah Free Will Baptist church, Pickens county, Alabama;

By Mr. Grant, from printing, favorably,

ii. 338. To provide for the payment for the publication of the laws of a general and public character passed at the second sitting of the session of 1888-'9 of the general assembly of Alabama.

Mr. Stansel, from the judiciary committee, reported favorably as to the constitutionality of senate bills 221 and 222, and said bills were recommitted to the committee on education.

On motion of Mr. Milner, 200 copies of senate bill 354 were ordered printed for the use of the senate.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, ALA. Jan. 27, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing, with accompanying document.

J. K. JACKSON,
Private Secretary.

The governor's message was read, as follows :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, January 27, 1891.

To the General Assembly :

I transmit herewith a letter from the secretary of war, requesting the passage of an act by the general assembly of Alabama, ceding jurisdiction to the United States over the military reservations at Mount Vernon Barracks and Fort Morgan, and the draft of a bill to carry out his request.

I have examined the bill and recommend its passage.

THOS. G. JONES,
Governor.

The documents with the governor's message were read, as follows :

[Subject, Cession of Jurisdiction.]

WAR DEPARTMENT.

WASHINGTON, D. C., January 12, 1891.

Hon. Thomas G. Jones, Governor of Alabama :

Sir—I have the honor to enclose herewith a draft—prepared in this department and following the usual form—of an act

ceding to the United States jurisdiction over the military reservations of Mount Vernon Barracks and Fort Morgan. The fact that these sites have not been placed within such jurisdiction has left them in exceptional status, and has proved a source of embarrassment to the military authorities.

Your offices in commending the proposed legislation to the approval of your general assembly, with a view to its speedy passage, is respectfully solicited.

I remain, very respectfully,

Your obedient servant,

(Signed) REDFIELD PROCTOR,
Secretary of War.

The governor's message, with accompanying bill, was referred to the judiciary committee.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, Jan. 27, 1891.

Mr. President :

I have the honor to inform you that the following bills, which originated in the senate, have been approved by the governor :

s. 101, 38, 50;

Also, the following joint resolutions :

Authorizing the joint committee on the judicial circuits and chancery divisions to sit during the recess;

Joint resolution to re-district the congressional districts of the state;

In regard to the bill now pending in the congress of the United States commonly known as the force bill.

Respectfully,

HARVEY E. JONES,
Rec. Secretary.

QUESTION OF PRIVILEGE.

Mr. Milner arose to a question of privilege and moved to reconsider the vote by which the senate passed the bill, s. 131. To amend section 1319 (1544) of the code.
Carried.

Mr. Milner also moved to reconsider the vote by which the bill was passed.

Carried.

Also, the vote by which the bill was ordered to a third reading.

Carried.

Mr. Milner then offered an amendment to said bill, as follows: Amend by excepting Walker county and the city of Birmingham from the provisions of the bill.

Mr. Wiley offered an amendment to the amendment, as follows: Add "and, also, within the police jurisdiction of the cities of Montgomery and Selma."

Adopted.

Mr. Grant moved to amend the amendment, as follows: "Provided, this act shall not apply to any of the incorporated cities or towns of Calhoun county."

Adopted.

Mr. Hundley offered an amendment, as follows: "Provided, this act shall not apply to the police jurisdiction of incorporated towns and cities in the county of Madison."

Adopted.

Mr. Bloch offered an amendment, which was adopted, as follows: "Provided, the provisions of this act shall not apply to the counties of Clay, Coosa, Wilcox and Baldwin."

Mr. Skeggs offered an amendment, which was adopted, as follows: Amend by adding these words: "Provided, that the provisions of this act shall not apply to the cities of New Decatur and Decatur."

The amendment offered by Mr. Milner, as amended, was then adopted.

Mr. Parks moved to reconsider the vote by which the senate refused to adopt the second amendment, offered by Mr. Hundley, on yesterday.

The motion to reconsider prevailed, and the amendment was then adopted—yeas 14, nays 12.

Yeas—Mr. Berry, Bloch, Grant, Harris of Hale, Hundley, Inzer, Lackey, Minge, Parker, Parks, Smith of Antauga, Stallworth, Stansel, Wiley, Williams—14.

Nays—Mr. President, Cowan, Compton, Downey, Godfrey, Handley, Harris of Lee, Milner, Nesmith, Skeggs, Smith of Mobile, Steagall—12.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bloch, Cowan, Compton, Downey,

Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—19.

BILLS ON THIRD READING.

The bill,
s. 259. To relieve George S. Pierce of Lee county, Alabama, of the disabilities of non-age,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. Bloch, Compton, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—21.

The bill,

n. 72. To prevent the tying or staking out of any stock on or along side of any public road,

Was taken up, and the pending amendment adopted.

Mr. Bloch, offered an amendment to exclude the county of Wilcox. Adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Harris of Hale, Inzer, Milner, Nesmith, Parks, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—19.

At 12 o'clock m., the senate proceeded to consider the,

UNFINISHED BUSINESS.

Which was the

s. J. R. 5. The joint resolution, relating to the convict system.

Mr. Smith of Mobile, offered an amendment to the pending substitute, as follows:

In sec. 4, line 4, insert after "articles" the words, "for use in the penitentiary."

Lost—yeas 5, nays 14.

Yeas—Mr. Compton, Milner, Smith of Autauga, Smith of Mobile, Stansel—5.

Nays—Mr. Bloch, Downey, Grant, Godfrey, Harris of Hale, Harris of Lee, Handley, Lackey, Parker, Parks, Stallworth, Steagall, Wiley, Williams—14.

Mr. Milner offered an amendment, as follows:

Strike out the word "shall," in 4th line and insert "may."

Mr. Wiley moved to lay the amendment on the table.

Lost.

The amendment was then adopted.

Mr. Parker offered an amendment which was adopted, as follows :

Amend 4th line, section 2, by adding the words, "with this," after words "by them."

The substitute was then adopted.

The joint resolution was read a third time and lost—yeas 8, nays 13.

Yeas—Mr. Cowan, Compton, Grant, Godfrey, Lackey, Milner, Parker, Smith of Mobile—8.

Nays—Mr. President, Berry, Downey, Inzer, Nesmith, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Wiley, Williams—13.

SPECIAL ORDERS.

On motion of Mr. Wiley, the bill

s. 159. To amend section 2590 of the code of Alabama, Was recommitted to the judiciary committee.

The bill,

s. 170. To establish a new charter for the city of Decatur, Was taken up.

Mr. Skeggs offered certain amendments which were adopted.

And the bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Cowan, Compton, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Wiley, Williams—22.

The bill,

s. 10. To create a bureau of immigration, and to appoint a commissioner—to fix his salary and to define his duties,

Was taken up.

Mr. Bloch moved to make the bill, a special order for next Tuesday.

Mr. Wiley, moved to lay said motion on the table.

Lost.

The motion to postpone was lost.

The bill was read a third time and lost—yeas 8, nays 14.

Yeas—Mr. President, Bloch, Compton, Grant, Handley, Harris of Hale, Milner, Stansel—8.

Nays—Mr. Cowan, Downey, Godfrey, Inzer, Lackey, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley—14.

The bill.

s. 15. To prevent the running of freight trains on the Sabbath day in the State of Alabama,

Was taken up.

Mr. Milner moved to lay the bill on the table.

Lost—yeas 8, nays 9.

Yeas—Mr. Godfrey, Handley, Harris of Hale, Milner, Smith of Mobile, Stansel, Steagall, Williams—8.

Nays—Mr. Berry, Bloch, Cowan, Compton, Downey, Grant, Inzer, Parks, Smith of Autauga—9.

On motion of Mr. Inzer the bill was made a special order for to-morrow at 12 o'clock m.

RESOLUTION.

By leave, Mr. Stansel offered the following resolution:

Be it resolved by the senate, that the door-keeper be, and he is hereby authorized to employ such assistance as may be necessary to supply the lack of service produced by the sickness of the assistant door-keeper, and the hall servant, such services to be compensated by provision of the bill for appropriation hereafter to be passed.

Adopted.

By leave, Mr. Handley offered a resolution to change the rules as to the time of meeting and assembling of the senate.

Which was referred to the committee on rules.

ADJOURNMENT.

At 2:20 o'clock p. m., on motion of Mr. Bloch, the senate adjourned.

THIRTY-THIRD DAY.

WEDNESDAY, Jan. 28th, 1891.

The senate met pursuant to adjournment.
Prayer by Rev. Mr. Brown of the city.

Present—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—27.

The journal of yesterday was read and approved.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled:

s. 24. To protect chickens and other poultry on the premises in the night time;

s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state;

s. 66. To constitute the city of Anniston a separate school district and to provide a board of education therefor;

s. 235. To provide for the election of the county board of commissioners of Autauga county;

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house, having signed the following bills, your signature thereto is requested :

ii. 99. To allow the probate judge, clerk of the circuit court and sheriff of Dale county to sell or dispose of their claims against the fine and forfeiture fund in Dale county, and to make said claims receivable in payment of fines and forfeitures just as state witness claims against said fund are now receivable and payable under the statute of Alabama;

ii. 191. To repeal an act entitled an act to establish a court of county revenues for Chilton county, approved February 28th, 1887;

ii. 232. To authorize the payment of fines and forfeitures in Walker county with the claims of the officers of said county which are now or may hereafter be registered against the fine and forfeiture fund of Walker county;

ii. 233. To amend section four of an act entitled an act in relation to trials of misdemeanors in Walker county, approved February 23d, 1883;

n. 440. To regulate the pay of the judge of probate and clerk of the circuit court of Covington county, for services ex-officio.

n. 129. To confirm the ordinance passed by the mayor and council of the town of Decatur and the contract in pursuance thereof, passed on the 7th day of October, 1890, granting to J. Judson Barclay, J. C. Hallowell and J. D. Jervis the right to operate and maintain a line of railroad over and along Market, Washington, Davis and Lee streets in the town of Decatur;

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing report of enrolled bills, and house message.

CALL OF DISTRICTS.

Bills were introduced, read a first time, and referred to appropriate committees, as follows:

Mr. Nesmith—

s. 383. To incorporate the town of Moulton, in Lawrence county, Alabama;

Municipal and county organizations.

Also,

s. 384. To regulate the drawing of a jury for the July term of the county court of Lawrence county;

Revision of laws.

By Mr. Skeggs—

s. 385. To confer upon the town of New Decatur, in Morgan county, Alabama, the power to require certain male inhabitants of said town to work on the streets of said town;

Municipal and county organizations.

Also,

s. 386. To amend section two (2) of an act entitled "an act to authorize the corporate authorities of the town of New Decatur, in the county of Morgan, to negotiate a loan for the improvement of the streets and of the sanitary condition of the said town, and to issue bonds for the payment of said loan," approved February 13th, 1889;

Municipal and county organizations.

Mr. Hundley—

s. 387. To give laborers and workmen a preferred lien upon buildings upon which they have performed any labor, for the amount of wages due them for such labor;

Judiciary.

By Mr. Inzer—

s. 388. To establish a charter for Alabama City, in Etowah county, Alabama;

Municipal and county organizations.

Also,

s. 389. To incorporate the Alabama Locomotive Company; Municipal and county organizations.

Also,

s. 390. To incorporate the town of Riverside, in St. Clair county;

Municipal and county organizations.

By Mr. Milner—

s. 391. To amend section 4191 of the code of Alabama; Privileges and elections.

By Mr. Stansel—

s. 392. To carry into effect the provisions of sections 21 and 22 of article 14 of the constitution of the state of Alabama, and to prevent abuses and unjust discrimination and extortion in the rates of freight on the railroads of the state;

Internal improvements.

Mr. Parker—

s. 393. To prevent stock from running at large in beat 5 in Coosa county;

Local legislation.

By Mr. Cowan—

s. 394. To authorize the county of Clarke to borrow money and issue bonds for the purpose of building a court house for the use of said county, at Grove Hill, or other place at which it may be determined to build said court house;

Local legislation.

By Mr. Minge—

s. 395. To prevent stock from running at large in the several beats or districts in Marengo county, and to authorize an election thereon;

Agricultural.

By Mr. Harris of Lee—

s. 396. To prevent discrimination by common carriers.

Judiciary.

Also,

s. 397. To incorporate the colored Normal College of Lamar county;

Education.

By Mr. Downey—

s. 398. To protect the property and franchises of cities and towns and private individuals in Alabama from being improperly acquired by corporations, firms or individuals;

Judiciary.

By Mr. Stallworth—

s. 399. To regulate and define the fees and compensations of judges of probate in this state in certain cases and for certain purposes.

Revision of laws.

By Mr. Smith of Mobile—

s. 400. To repeal an act entitled an act to amend section one of an act entitled an act to fix the compensation of the tax assessors of Mobile county, approved February 28th, 1887;

Finance.

Also,

s. 401. For the relief of the estate of James Hunter, deceased;

Revision of laws.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time as follows:

By Mr. Compton, from the judiciary, favorably, with amendment,

s. 304. For the protection of telephone lines and business done over them in this state.

By Mr. Parks, from revision of laws, favorably,

s. 293. To amend section 550 of the code of Alabama;

s. 364. To fix the time for holding the chancery courts in Randolph, Chambers, Lee, Tallapoosa and Coosa counties, in the north eastern chancery division of the State of Alabama;

ii. 173. To amend sections 1, 7, 15, 16, 19, 21, 23 and 24 of an act entitled an act to establish a criminal court for the county of Pike, with criminal jurisdiction in misdemeanor cases, and to repeal certain sections therein;

ii. 508. To amend sections 1, 5, 8 and 13 of an act to regulate the practice and proceedings in civil cases in the circuit

court of Jefferson county in this state, and in supreme court on appeal from judgments rendered in said cases, approved February 28th, 1889;

II. 372. To amend the caption and sections one (1) and eight (8) of an act entitled an act to prevent horses, mules, asses, cows, hogs, sheep and goats from running uncontrolled on crops in beat number five and in beat number eight in Butler county, and to prescribe a rule of damages and rules of protection in the trial of cases under the act, approved February 18th, 1889;

II. 219. To authorize the commissioners court of Russell and Shelby counties to lay off said counties into four commissioners districts, and to provide the manner of electing the county commissioners.

By Mr. Haralson, from local legislation, favorably.

s. 355. To authorize and require the commissioners court of Jefferson county, Alabama, to pay to the judge of the tenth judicial circuit of Alabama, \$75.00 per week for every week court is held by him in the said circuit in excess of thirty-two weeks in any one year;

s. 365. To amend sections three and six and repeal sections four and five of an act entitled an act to regulate the state witnesses fees in Hale County, Alabama, and to provide for the payment of the same;

s. 357. To amend section 3217 of the code of Alabama, so far as the same relates to Jefferson county;

II. 82. To preserve order at the Corn House camp-ground in the county of Randolph, Alabama, and Bayne's Chapel camp-ground, Lamar county, Alabama.

By Mr. Skeggs, from education, favorably, with an amendment,

s. 67. To receive and appropriate the moneys granted to the state of Alabama, by the act of congress, approved August 30th, 1890, entitled, "an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, &c.," and for other purposes.

By Mr. Cowan, from temperance, favorably, with an amendment,

II. 369. To provide for elections in Jasper beat, Horse Creek beat, Day's Gap beat and Carbon Hill Town, Walker county, Alabama, to determine whether or not the sale, giving away, or otherwise disposing of spirituous, vinous or malt

liquors in the incorporated towns now in said beats shall be prohibited.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bills :

- n. 106. To incorporate the Alabama State Mining and Manufacturing Company ;
 - n. 260. To amend section 2765 of the code of Alabama ;
 - n. 468. To amend sections 3, 7 and 24 of an act to incorporate the city of Jenifer, Alabama, approved February 28th, 1889 ;
 - n. 411. To establish a charter for the town of Oneonta ;
 - n. 673. To provide for the levying and collecting a license tax on dogs in Macon and Lee counties ;
 - n. 616. For the relief of the estate of John R. Dickens, deceased ;
 - n. 285. To expedite the printing of the acts and joint resolutions of the general assembly ;
 - n. 588. To amend section 8 of an act entitled an act, to provide a new charter for the city of Tusculumbia, Colbert county, Alabama, approved February 28, 1887 ;
 - n. 416. To incorporate the town of Laverne, in the county of Crenshaw, and State of Alabama ;
 - n. 824. To incorporate the "Alabama Street Presbyterian Church," located in Selma, Alabama ;
- And has ordered the last named bill forthwith to the senate without engrossment.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once and referred to appropriate committees, as follows :

- n. 106, to internal improvements ;
- n. 468, 411, 588, 416, 824, to municipal and county organizations :
- n. 260, to revision of laws ;
- n. 616, to finance ;
- n. 673, to local legislation ;
- n. 285, to printing.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, Jan. 28, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing, with accompanying document.

J. K. JACKSON,
Private Secretary.

The governor's message was read as follows:

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, January 28, 1891.

Gentlemen of the Senate and of the House of Representatives:

I transmit herewith a printed memorial to the governor and the general assembly of the state of Alabama from George Wilkinson, receiver of the Newark Savings Institution, who, as such, is the holder of one hundred bonds of the state of Alabama for one thousand dollars each, issued under an act approved March 3rd, 1870, to "lend the credit of the state of Alabama" to the Montgomery & Enfanla Railroad Company for the purpose of expediting the construction of its railroad within this State."

The memorial, with the affidavit attached, claims the acquisition of the bonds in conformity to the act of the legislature and in the utmost good faith, and argues against the reasons urged by a former committee of your honorable bodies for declining to investigate this claim.

It seems that these bonds are not provided for in the debt settlement, and, from the best information I can gather, were not presented to the commissioners for adjustment.

The memorialists pray for the appointment of a commission to examine into the evidence and report whether these bonds were in fact fairly acquired, in good faith for value, and whether some just settlement ought not to be made with the memorialists therefor.

It seems to me that the state ought at least to investigate this claim, and that no injustice can be done it by an examination, before one of its own tribunals, into the merits of the claim. I therefore recommend that your honorable bodies authorize the attorney-general to hear the memorialists and all other evidence that may be adduced, and report to the next general assembly what disposition, in equity and justice, should be made of this claim.

THOS. G. JONES,
Governor.

The governor's message was referred to the committee on finance.

EXECUTIVE SESSION.

The senate went into executive session to consider the message from the governor.

At 12 o'clock the executive session was dissolved and the doors opened.

At the hour of 12 o'clock the senate proceeded to consider the

SPECIAL ORDERS.

The bill,

s. 45. To prevent the running of freight trains on the Sabbath day in the state of Alabama.

Was, on motion of Mr. Inzer, postponed and made a special order for Friday next, at 12 o'clock.

BILLS ON THIRD READING.

The bill,

H. 445. To constitute the town of Attalla a separate school district, and to provide for the management of the public schools of said district,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Godfrey, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

s. 341. To relieve Helen E. Lewis, of Hale county, of the disabilities of non-age,

Was read a third time and passed—yeas 17, nays 1.

Yeas—Mr. Cowan, Compton, Downey, Haralson, Harris of Hale, Harris of Lee, Inzer, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—17.

Mr. President voted no.

The bill,

s. 173. To repeal sections 3463 and 3464 of the code,

Was read a third time and passed—yeas 23, nays 2.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Steagall—23.

Messrs. Milner and Williams voted no.

The bill,

s. 204. To regulate trials by juries in the county court of Clarke county,

Was taken up.

Mr. Smith of Autauga moved to amend the bill, so as to include the county of Tuscaloosa within its provisions.

Carried.

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bloch, Cowan, Compton, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The bill,

s. 271. To fix the times and places of holding the chancery courts in the southwestern chancery division of the state of Alabama,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bloch, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—23.

The bill,

s. 198. To protect purchasers, judgment creditors, mortga-

gees and subsequent incumbrancers without notice against conditional sales of personal property,

Was taken up.

Mr. Inzer offered an amendment, which was adopted, as follows :

Amend by adding "section 2, be it further enacted that all such sales when so reduced to writing and recorded shall operate as notice of their contents, without being acknowledged or probated. That the fee for recording all such instruments shall be six cents for each hundred words so recorded.

The bill was read a third time and passed—yeas 13, nays 11.

Yeas—Mr. Bloch, Haralson, Hundley, Inzer, Lackey, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Williams—13.

Nays—Mr. President, Cowan, Downey, Grant, Handley, Harris of Hale, Harris of Lee, Minge, Nesmith, Stansel, Wiley—11.

Mr. Hundley moved to reconsider the vote by which the bill was passed. Carried.

The bill was then lost—yeas 11, nays 14.

Yeas—Mr. Bloch, Haralson, Inzer, Lackey, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall—11.

Nays—Mr. President, Berry, Cowan, Downey, Grant, Handley, Harris of Hale, Harris of Lee, Hundley, Milner, Minge, Stansel, Wiley, Williams—14.

The bill,

ii. 338. To provide for the payment for the publication of the laws of a general and public character passed at the second sitting of the session of 1888-'9 of the general assembly of Alabama,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Compton, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Minge, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley—19.

The bill,

s. 247. To incorporate the Cotton States Telephone and Telegraph Company,

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Compton, Godfrey, Haralson, Harris of Hale, Harris of Lee, Inzer, Minge, Ne-

smith, Parker, Parks, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

The bill,

s. 283. To establish a new charter for the town of Carrollton,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Compton, Godfrey, Haralson, Harris of Hale, Harris of Lee, Inzer, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—18.

The bill,

s. 232. To authorize the intendant and councilmen of the town of Highlands, in the county of Jefferson, to issue bonds of said town for an amount not exceeding seventy-five thousand (\$75,000) dollars for the purpose of building and constructing sewers and making other permanent improvements in said town, and paying off floating debt of said town,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Haralson, Harris of Hale, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—21.

The bill,

s. 287. To ratify and confirm the charter of the Lady Ensley Coal, Iron and Railroad Co.

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Wiley, Williams—21.

The bill,

s. 250. To prevent stock from running at large in certain parts of Roanoke, beat No. 10, in Randolph county,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

The bill,

s. 262. To extend the corporate limits of the city of Montgomery, in the state of Alabama, and to provide for dividing said limits into wards,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Minge, Nesmith, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—24.

The bill,

H. 657. To establish a district in Limestone county in which it shall be unlawful for hogs, sheep and goats to run at large,

Was taken.

Mr. Haralson offered an amendment which was adopted.

The bill was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall Wiley, Williams—26.

ADJOURNMENT.

At 2:10 o'clock p. m., on motion of Mr. Parks, the senate adjourned.

THIRTY-FOURTH DAY.

THURSDAY, January 29, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Brown of the city.

Present—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—26.

The journal of yesterday was read and approved.

JOINT RESOLUTIONS.

By leave, Mr. Smith, of Mobile, offered a resolution requesting the governor to return senate bill 24,

Adopted.

By leave, Mr. Downey offered a joint resolution requesting the governor to return senate bill 46.

Adopted.

REPORT OF COMMITTEE ON RULES.

Mr. Stansel, from committee on rules, submitted the following report:

The committee on rules, to which was referred two resolutions on the subject of future sessions of the senate, beg leave to report the following resolution:

Resolved, By the senate, that its morning session hereafter shall commence at 10 o'clock a. m. and continue till 1:30 p. m., that then the senate shall take a recess each day till 4 o'clock p. m., and shall then adjourn at 6 p. m. This order shall continue until the calendar is cleared and then resumed when the condition of the calendar becomes clogged.

The resolution was adopted.

RESOLUTION.

By leave, Mr. Inzer offered the following resolution:

Resolved, That the committee on rules be instructed to enquire and report to the senate the expediency of adopting the rules which provide in the senate of the United States that no amendment which proposes general legislation, or which is not genuine or revalent to the subject matter contained in the general appropriation bill shall be received on the consideration of the general appropriation bill,

Adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bill and joint resolution your signature thereto is requested, viz:

II. 72. To prevent the tying or staking out of any stock on or along side of any public road.

Joint resolution: That our thanks be and they are hereby tendered to the general assembly of Illinois, for its refusal to table or refer the joint resolution on yesterday, expressing condemnation of the so-called "force bill" now pending in our national congress.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills the titles of which are set out in the foregoing house message.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows:

By Mr. Inzer—

s. 402. To confirm the incorporation and organization of the Gadsden and Attalla Railroad Company;

Internal improvements.

Also,

s. 403. To confirm the incorporation and organization of Gadsden and Attalla Union Railway Company;

Internal improvements.

By Mr. Parker—

s. 404. To relieve Mrs. E. Lake, of the disabilities of non-age;

Local legislation.

By Mr. Berry—

s. 405. To amend sections three (3) four (4) seven (7) eight (8) eleven (11) twelve (12) and thirteen (13) of an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved January 16, 1879;

Municipal and county organizations.

By Mr. Compton—

s. 406. For the relief of James E. Kennedy, sheriff of Dallas county;

Judiciary.

By Mr. Stallworth—

s. 407. To authorize and empower the board of trustees of the "Evergreen male and female academy," and institutions of learning, incorporated by act of the general assembly of the state of Alabama, approved February 5th, 1840, to prescribe and adopt the order, mode and branches of study and learning to be pursued in said academy, fix the rates of tuition, grant diplomas or other certificate of scholarship, and to do any and all lawful acts necessary, proper and lawful to be done to further the objects of said academy, or which other literary institution of like kind may do;

Municipal and county organizations.

By Mr. Cowan—

s. 408. For the relief of Jack R. Wilson, ex-probate judge of Clarke county, Alabama;

Local legislation.

By Mr. Downey—

s. 409. To provide for a more efficient system of working the public roads;

Joint committee on public roads.

By Mr. Minge—

s. 410. To regulate the fees of the registers in chancery;

Revision of laws.

By Mr. Godfrey—

s. 11. To require the custodian of the books of transfer of a corporation to exhibit the same to the sheriff or constable demanding the same for the purpose of levying an execution or attachment on the shares of stock of any person being a stockholder in such corporation;

Judiciary.

Also,

s. 412. To amend sections 2823 (3091) and 2824 (3092) of the code;

Judiciary.

Also,

s. 413. To amend section 1798 of the code;

Judiciary.

By Mr. Harris of Lee—

s. 414. To prevent persons from hiring minors without the consent of parent, or guardian;

Revision of laws.

By Mr. Inzer—

s. 415. To authorize Gadsden lodge No. 236 A. F. and A. M. to issue bonds to build a Masonic temple in the city of Gadsden, in this state;

Local legislation.

By Mr. Parker—

s. 416. For the relief of A. M. Powell, sheriff of Elmore county;

Finance.

By Mr. Steagall—

s. 417. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, malt or intoxicating liquors or beverages within six miles of the Methodist church, the Baptist

church and the Clopton academy, in the town of Clopton, Dale county, Alabama;

Temperance.

By Mr. Parks—

s. 418. To authorize the mayor and councilmen of Troy, in Pike county, to erect and maintain or otherwise provide a system of water works for the city of Troy, and issue bonds in payment thereof in an amount not exceeding fifty thousand dollars;

Local legislation.

Also,

s. 419. To authorize the mayor and councilmen of Troy, in Pike county, to erect and maintain or otherwise provide a system of water works for the city of Troy, and issue bonds in payment thereof in an amount not exceeding fifty thousand dollars;

Local legislation.

Also,

s. 420. To authorize the mayor and councilmen of Troy to issue bonds of said city for an amount not exceeding \$25,000 for the purpose of erecting and improving school and other public buildings;

Local legislation.

By Mr. Nesmith, by request,

s. 421. To change the corporate name of the Alabama Loan and Banking Company, of Florence, Alabama;

Municipal and county organizations.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows:

By Mr. Stansel, from the judiciary, favorably, with amendment,

s. 244. To make additional provisions to the laws regulating the practice of medicine in this state;

Also, favorably,

s. 189. To amend and declare the true intent and meaning of an act approved February 19th, 1889, and entitled an act to amend an act entitled an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the state of Alabama;

ii. 259. To amend section 141 of the code.

By Mr. Handley, from finance, favorably,

H. 407. To regulate the fine and forfeiture fund of Conecuh and Escambia counties and the disposal of moneys arising from fines, forfeitures and convict labor in said counties ;

H. 692. For the relief of Burwell Y. Burns, of Choctaw county, Alabama ;

H. 642. To prescribe the time when taxes shall become delinquent in the county of Chambers ;

H. 370. To authorize the mayor and city council of Anniston to issue bonds of said city for an amount not exceeding fifty thousand dollars for the purpose of purchasing land and erecting and equipping school buildings thereon ;

H. 258. for the relief of M. A. Jennings, of Shelby county.

By Mr. Parks, from revision of laws, favorably,

S. 312. To amend section 4057 of the code of Alabama ;

S. 313. To amend section 4033 of the code of Alabama ;

S. 315. To amend an act entitled an act to amend section 4038 of the code of Alabama ;

S. 352. To amend section 2 of an act entitled an act to provide for the holding of a term of the circuit court of the fifth judicial circuit of Alexander City, in the county of Tallapoosa, and to regulate the same, passed February 15th, 1889, so as to increase the jurisdiction thereof ;

S. 353. To provide for the holding of two additional terms of the circuit court for the county of Tuskaloosa ;

S. 361. To require justices of the peace to try cases under their jurisdiction ;

S. 370. To provide for the trial of misdemeanors in Winston county.

By Mr. Haralson, from local legislation, favorably,

S. 369. To require the county treasurer of Winston county to register all claims against the county which have not heretofore been registered as required by law ;

Also, with amendment,

H. 217. To authorize the laying off the county of Pike into commissioners districts and providing for the election of commissioners by the qualified voters of the county.

By Mr. Skeggs, from education, favorably,

H. 137. To provide for the teaching in the public schools of physiology and hygiene with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system ;

s. 349. To regulate and define the salaries of teachers in the public schools of the state of Alabama;

s. 350. To provide for the adoption of a uniform series of text books for use in the public schools of Morgan county, Alabama.

By Mr. Smith, from agriculture, favorably, with a substitute,

s. 200. To amend section 1 of an act entitled an act for the protection of oyster culture in the state of Alabama.

By Mr. Lackey, from municipal and county organizations, favorably,

s. 390. To incorporate the town of Riverside, in St. Clair county;

s. 389. To incorporate the Alabama Locomotive Company;

H. 537. To amend an act entitled an act to incorporate the town of Northport, approved February 12, 1879, by adding the following additional sections to said act incorporating said town;

H. 346. To incorporate the town of Edwardsville;

s. 388. To establish a charter for Alabama City, in Etowah county, Alabama;

H. 332. To incorporate the town of Seale, in the county of Russell.

By Mr. Cowan, from temperance, favorably, with a substitute,

s. 323. To extend the police power and jurisdiction of the city of Birmingham, over and about the fair grounds in the vicinity of said city, in the county of Jefferson, known as the fair grounds of the Birmingham Fair Association, and to empower the corporate authorities of said city to authorize, regulate and license any business on said fair grounds, during the holding of any fair, exposition or races, that may be authorized, regulated or licensed by said city within the corporate limits thereof.

By Mr. Skeggs, from education, favorably, with an amendment,

H. 405. To incorporate the East Alabama Male and Female Institute, Notasulga, Alabama.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has passed,

s. 60. To amend and extend the charter of the Commercial

Bank of Selma, and to amend an act entitled an act to incorporate the Selma Savings Company, approved December 10th, 1864, and an act entitled an act to amend the act entitled an act to incorporate the Selma Savings Company, approved February 23, 1866, and an act entitled an act to change the name of the Selma Savings Company to the Selma Savings Bank, approved January 28th, 1870, and an act entitled an act to change the name of the Selma Savings Bank to the Commercial Bank of Selma, approved February 10th, 1879;

s. 208. To fix the number of representatives in the house of representatives of the general assembly of this state, and to apportion them among the several counties of the state;

s. 209. To provide for senatorial representation in the general assembly of Alabama;

And has concurred in the senate joint resolution requesting the return by the governor to the senate of senate bill 24;

And has originated and passed the bills,

ii. 654. To authorize the mayor and councilmen of Brewton to issue bonds of said city for an amount not exceeding twenty-five thousand dollars for the purpose of putting in a system of water works, and making other permanent improvements in said city;

ii. 323. For the relief of Benjamin B. Ballard, a citizen of Covington county;

ii. 573. To regulate the trial of misdemeanors in Conecuh county;

ii. 597. For the relief of A. B. Byrd, sheriff of Dale county, Alabama, for the removal of prisoners from Georgia and Florida in the year 1890;

ii. 598. To prevent hunting on land without written consent of owner or his agent, in Dallas, Madison, Conecuh, Wilcox, Autauga and Sumter counties;

ii. 599. To repeal an act entitled an act "to prohibit stock from running at large in a portion of Dallas county," approved February 13, 1883, so far as the same applies to Dublin beat;

ii. 691. To create a separate school district in Cherokee county and to define the boundaries thereof;

ii. 448. To authorize the mayor and aldermen of the town of Attalla, in Etowah county, to issue bonds of said town for the purpose of providing said town with gas or electric lights and water, building and constructing sewers, building school houses; and to create a board of commissioners to manage, control and invest the proceeds of said bonds;

n. 602. For the relief of A. G. Franklin, ex-sheriff of the county of DeKalb, state of Alabama;

n. 435. To provide for an additional judge of the supreme court of Alabama;

n. 612. To amend section 4641 of the code;

And ordered the last two bills to the senate without engrossment.

And has adopted the senate joint resolution relative to requesting the governor to return senate bill 46.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bills in the foregoing house message were severally read once, and referred to appropriate committees, as follows:

n. 598, 435, to judiciary;

n. 597, 602, to finance;

n. 323, 573, 599, 448, to local legislation;

n. 654, to municipal and county organizations;

n. 691, to education;

n. 612, to penitentiary.

BILLS ON THIRD READING.

The bill,

n. 300. To repeal an act entitled an act to establish an inferior court for Cullman county, approved March 1, 1881,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Bloch, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—21.

The bill,

s. 87. To allow husband and wife to testify for or against each other in certain cases,

Was taken up, and the pending amendment adopted, as follows:

Insert the word "all" before "cases," and add to the bill the following:

"And provided further, that a failure to testify shall not create any presumption against him or her, nor be the subject of comment by counsel."

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Berry, Bloch, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—24.

The bill,

H. 481. To provide for the support of the indigent soldiers and sailors of the late Confederate States army and navy who now are *bona fide* citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama.

Was, on motion of Mr. Hundley, recommitted to the finance committee.

The bill,

S. 263. To provide for the refunding of taxes improperly paid,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Lackey, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley, Williams—20.

The bill,

H. 374. To amend section 4 of an act entitled an act to more effectually secure competent and well qualified jurors in the several counties of this state, with the exception that the provisions of this act shall not apply to the counties of Henry, Mobile, Dallas, Talladega, Clay, Marengo, Cherokee, Etowah, St. Clair, Coffee, Dale, Geneva, Marshall and Montgomery, approved February 28th, 1887, so far as the same relates to the county of Marion,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—19.

The bill,

H. 320. To amend and revise the charter of the town of Piedmont,

Was taken up.

Mr. Grant offered certain amendments which were severally read and adopted.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner,

Minge, Nesmith, Parker, Parks, Smith of Autauga, Stallworth, Stansel, Steagall, Williams—21.

The bill,

s. 127. To provide for the dissolution of private corporations,

Was taken up, and the pending amendment adopted, as follows :

Amend by adding additional section.

Section 3,—Be it further enacted, that such trustee before entering upon the discharge of his duties as such trustee shall be required by such corporation to give bond with security for the faithful discharge of his duty, in double the amount of the supposed assets of the corporation, payable to and to be approved by the judge of probate in the county in which the corporation has its office or principal place of business, and any person interested in the assets of the corporation has the right to sue on such bond in any court of competent jurisdiction.

The bill was read a third time and passed—yeas 21, nays 1.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams.—21.

Mr. Parker voted no.

The bill,

s. 81. To fix the legal rate of interest in this state,

Was taken up.

Mr. Smith of Mobile, moved to amend the pending amendment by striking out "ten" and insert "eight."

Adopted.

The amendment, as amended, was adopted, as follows :

Amend by striking out the words "any amount less than nine per cent" and insert in lieu thereof "any amount not exceeding eight per cent."

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams.—24.

The bill,

ll. 37. To prevent the cutting of timber, rolling logs or throwing bushes into any of the running streams in Jackson or Fayette counties.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

The bill,

n. 273½. To repeal an act entitled an act to repeal section 4031 of the revised code of 1867, so far as the same relates to the county of Geneva,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—19.

The bill,

n. 251. To amend an act entitled an act for the protection of plantations and crops within certain limits in Landerdale county, Alabama.

Was read a third time and passed—yeas 19, nays, 0.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—19.

The bill,

n. 331. To reduce the fees of probate judges in certain cases in the county of Lamar,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

n. 225. To protect and regulate the time and manner of catching and taking fish from and in the waters of the state of Alabama in the counties of Mobile and Baldwin,

Was taken up and the pending amendments adopted.

Mr. Williams offered an amendment which was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Grant, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Lackey, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

RECESS.

At 1:30 p. m. the senate took a recess till 4 p. m.

AFTERNOON SESSION.

The senate re-assembled at four o'clock p. m., a quorum present, and resumed consideration of

BILLS ON THIRD READING.

The bill,

ii. 230. To amend subdivision 11 of section 453 of the code,
Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—19.

The bill,

ii. 335. To amend an act to prohibit the sale, giving away or disposing of spirituous, vinous or malt liquors for gain in beat one, Lee county, Alabama, and to provide for an election therein, approved February 28th, 1887,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Lackey, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—19.

The bill,

s. 260. To prohibit the sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, vinous or malt liquors, or intoxicating bitters, beverages or fruits preserved in alcoholic liquors, within three miles of Union Grove baptist church, in beat two, and McKamies school house, in beat thirteen, nor within five (5) miles of Pierce Chapel methodist church, in beat seven, in Lee county, Alabama,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer,

Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—21.

The bill,

s. 119. To amend section 2132 (2507) of the code,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—20.

The bill,

s. 75. To prohibit, in this state, the keeping of any "bucket shop," or place where the pretended buying and selling of stock, or produce, or provisions, cotton, cotton ties, cotton bagging, made in whole or in part of jute and other articles, without any intention of receiving or delivering the property sold, is carried on,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—22.

The bill,

s. 149. To authorize courts of law in certain cases in pending suits, to appoint administrators *ad litem*,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—21.

The bill,

s. J. R. 4. To submit to the people of the State of Alabama, at the general election, to be held on the first Monday in August, 1892, for representatives, for their consideration, an amendment to section two of article two of the constitution of this state, in reference to reducing the size of the counties,

Was taken up.

The pending amendment was adopted as follows:

"Insert 400 instead of 350 in section 1."

Mr. Grant offered an amendment, which was adopted, as follows:

"Provided that lines of new counties established shall not approach nearer than ten miles of existing county sites.

The bill was read a third time and lost—yeas 10, nays 11.

Yeas—Mr. Cowan, Downey, Grant, Harris of Hale, Inzer, Parker, Parks, Smith of Autauga, Stallworth, Williams—10.

Nays—Mr. President, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Skeggs, Smith of Mobile, Stansel—11.

The bill,

n. 207. To change and fix the rule of descents and distribution in this state as to persons dying intestate, who leave no widow or children, or their descendants, but who leave parents surviving them,

Was taken up, and the pending amendment adopted, as follows:

Insert before the word "widow," in third line of the bill, the words, "husband or;" also, amend title.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—21.

The bill,

n. 91. To levy a state and county tax on peddlers of clocks,

Was read a third time and passed—yeas 15, nays 2.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Handley, Harris of Hale, Hundley, Inzer, Lackey, Parker, Parks, Smith of Mobile, Stansel, Williams—15.

Messrs. Nesmith and Skeggs voted no.

The bill,

s. 251. * To provide for the election by the general assembly of Alabama of a chaplain for both houses of the legislature,

Was taken up.

On motion of Mr. Harris of Lee the preamble was stricken out.

Mr. Parks moved to indefinitely postpone the bill.

Lost.

On motion of Mr. Grant the bill was recommitted to the finance committee.

The bill,

s. 288. To provide for a vote of the people on the subject of a permanent location of the county site of Franklin county,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Cowan, Grant, Godfrey, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey,

Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autanga, Smith of Mobile, Stallworth, Stansel, Williams—21.

The bill,

s. 274. To legalize the marriage of James H. Hatley and Sarah A. Hatley, citizens of the county of Limestone, State of Alabama,

Was read a third time and passed—yeas 17, nays 3.

Yeas—Mr. Berry, Cowan, Downey, Grant, Handley, Haralson, Harris of Hale, Hundley, Lackey, Parker, Parks, Skeggs, Smith of Autanga, Smith of Mobile, Stallworth, Stansel, Williams—17.

Messrs. President, Inzer and Minge voted no.

The bill,

ii. 87. To amend section 2 and paragraphs 5, 7, 9, 10 and 13, and section 4 and sections 9 and 10 of an act entitled "an act to provide for a charter for the city of Jasper, in Walker county, Alabama," approved February 6th, 1889.

Was taken up.

Mr. Godfrey offered certain amendments, which were severally read and adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Nesmith, Parker, Parks, Smith of Autanga, Smith of Mobile, Stallworth, Stansel, Williams—19.

The bill,

s. 236. To amend an act to incorporate the trustees of the Judson Female Institute, approved January 9, 1841.

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autanga, Smith of Mobile, Stallworth, Stansel, Williams—23.

The bill,

s. 239. To incorporate Blunt College in Blount county, Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autanga, Stallworth, Stansel, Williams—20.

The bill,

ii. 164. To establish a separate school district to be known as China Grove school district in Hale county.

Was read a third time and passed—yeas 20 nays 0.

Yeas—Mr. President, Berry, Cowan, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—20.

The bill.

ii. 314. To establish the Cleveland school district in Blount county.

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Cowan, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—20.

The bill.

ii. 358. To incorporate Brewton Collegiate Institute.

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel Williams—19.

The bill.

ii. 104. To authorize the court of county commissioners of Fayette county, to issue the bonds of said county, for an amount not exceeding twenty thousand dollars, for the purpose of building a court house and jail in said county.

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—20.

The bill.

s. 240. To establish a charter for the town of Gurleys in Madison county.

Was taken up.

Mr. Hundley moved to strike out section 16, and number sections thereafter to correspond.

Carried.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—20.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted Mr. Compton, on account of sickness.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bill :
H. 631. To provide for a charter for the town of Carbon Hill, in Walker county, Alabama.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bill in the foregoing house message was read once and referred to the committee on municipal and county organizations.

ADJOURNMENT.

At 6 p. m., the president declared the senate adjourned.

THIRTY-FIFTH DAY.

FRIDAY, Jan. 30th, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Blackwell, of the house.

Present—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stausel, Steagall, Williams—27.

The journal of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. Harris of Hale, arose to a question of privilege, and

moved to reconsider the vote by which the senate passed the bill,

s. 81. To fix the legal rate of interest in this state.

The motion to reconsider prevailed.

Mr. Harris of Hale, moved to reconsider the vote by which the bill was ordered to a third reading.

Carried.

Mr. Harris of Hale, offered an amendment, which was adopted as follows:

Insert the enacting clause, as follows: "Be it enacted by the general assembly of Alabama, that:"

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Minge, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—24.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested:

ii. 230. To amend subdivision 11, of section 453 of the code;

ii. 91. To levy a state and county tax on peddlers of clocks;

ii. 207. To change and fix the rule of descents and distribution in this state as to persons dying intestate, who leave no husband or widow or children, or their descendants, but who leave parents surviving them;

ii. 374. To amend section 4 of an act entitled an act to more effectually secure competent and well qualified jurors in the several counties of this state, with the exceptions that the provisions of this act shall not apply to the counties of Henry, Mobile, Dallas, Talladega, Clay, Marengo, Cherokee, Etowah, St. Clair, Coffee, Dale, Geneva, Marshall and Montgomery, approved February 28th, 1887, so far as relates to the county of Marion;

ii. 37. To prevent the cutting of timber, rolling logs or throwing bushes into any of the running streams in Jackson and Fayette counties, Alabama;

ii. 273½. To repeal an act entitled an act to repeal section 4031 of the revised code of 1867, so far as the same relates to the county of Geneva;

ii. 251. To amend an act entitled an act for the protection of plantations and crops within certain limits in Lauderdale county, Alabama;

ii. 331. To reduce the fees of probate judges in certain cases in the county of Lamar;

ii. 300. To repeal an act entitled an act to establish an inferior court for Cullman county, approved March 1, 1881;

ii. 335. To amend an act to prohibit the sale, giving away or disposing of spirituous, vinous or malt liquors for gain in beat one, Lee county, Alabama, and to provide for an election therein, approved February 28th, 1887;

ii. 445. To constitute the town or Attalia a separate school district, and to provide for the management of the public schools of said district;

ii. 657. To establish a district in Limestone county in which it shall be unlawful for hogs, sheep and goats to run at large;

ii. 338. To provide for the payment for the publication of the laws of a general and public character passed at the second sitting of the session of 1888-9 of the general assembly of Alabama.

BENJ. F. ELMORE,

Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

CALL OF DISTRICTS.

Bills were introduced, read a first time, and referred to appropriate committees, as follows:

By Mr. Inzer—

s. 422. To authorize the election of township superintendents in St. Clair county;

Education.

By Mr. Hargrove—

s. 423. To fix the time of holding the circuit courts in the counties of Randolph and Bibb, in the fifth judicial circuit of the state of Alabama;

Revision of laws.

By Mr. Bloch—

s. 424. To authorize and require the governor to commence and prosecute proceedings to vacate the charter of the Selma and Pensacola Railroad, formerly known as the Selma and Gulf Railroad, unless the owners of said railroad shall complete the same within two years after the passage of this act;

Internal improvements.

By Mr. Stansel—

s. 425. To incorporate the town of Vienna, in the county of Pickens, and the state of Alabama;

Municipal and county organizations.

By Mr. Nesmith—

s. 426. To declare Oakville fish pond, in Lawrence county, Alabama, an artificial pond;

Local legislation.

By Mr. Lackey—

s. 427. For the relief of James A. Johnson;

Local legislation.

By Mr. Skeggs (by request)—

s. 428. Concerning the organization and perpetuity of a voluntary association known as the Order of Columbia, a secret society, having a secret ritual and providing laws for governing the same;

Local legislation.

By Mr. Smith of Mobile—

s. 429. To amend an act entitled an act to regulate the Mobile harbor, approved February 28th, 1889;

Local legislation.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows:

By Mr. Stansel, from the judiciary, favorably.

s. 194. For the relief of W. L. Rowe, sheriff of Tallapoosa county;

s. 378. To incorporate the Montgomery Loan and Trust Company;

s. 377. To incorporate Montgomery Investment Banking and Trust Company;

Also, with an amendment,

s. 334. To create two additional judicial circuits in the

state of Alabama; one of them to be numbered and called the eleventh judicial circuit, and the other to be numbered and called the twelfth judicial circuit; and to fix the times and places of holding courts in each of said circuits. And to provide for a judge and solicitor for each of said judicial circuits.

By Mr. Parks, from revision of laws, favorably,

s. 230. To amend section 1309 of the code;

s. 302. To amend section 4076 of the code of Alabama;

s. 384. To regulate the drawing of a jury for the July term of the county court of Lawrence county.

By Mr. Haralson, from local legislation, favorably with a substitute,

s. 238. To amend an act entitled an act to authorize the commissioners' court of Franklin and other counties therein named to lay off their respective counties into four commissioners districts;

Also, favorably,

s. 284. To prevent the running at large of stock in certain portions of Etmore county;

s. 393. To prevent stock from running at large in beat 5 in Coosa county;

n. 634. To amend section one of an act to establish partial stock law districts in Talladega county, so as to include precincts seven, eight, eleven, and all of that part of two lying east of the Jackson Trace road; and beat No. 3, and sections 6 and 7, and north half of section 5, in beat No. 13, township 20, and range 5, in said county;

n. 542. To authorize the election of four commissioners, for the court of county commissioners of Chilton county, and to direct the court of county revenues of said county to turn over and deliver the records and papers on file in said court to the court of county commissioners of said county of Chilton;

n. 528. To repeal an act entitled an act to amend an act to regulate the fees of officers of court against the fine and forfeiture fund of Wilcox county;

n. 327. To fix the fees of the circuit clerk of Hale county;

n. 231. To repeal an act entitled an act to increase the criminal jurisdiction of justices of the peace and notaries public having like powers in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, approved February 8, 1877, so far as the same relates to Walker county.

By Mr. Parks, from revision of laws, favorably,

n. 222. To require county administrators to keep a book of

record, and to make such book of record free for examination of all persons.

By Mr. Haralson, from local legislation, favorably,

n. 673. To provide for the levying and collecting a license tax on dogs in Macon and Lee counties;

n. 457. To prohibit placing mortgages or incumbrances on growing crops in Monroe county.

By Mr. Stansel, from internal improvements, favorably,

s. 402. To confirm the incorporation and organization of the Gadsden and Attalla Railroad Company;

s. 403. To confirm the incorporation and organization of Gadsden and Attalla Union Railway Company.

By Mr. Lackey, from municipal and county organizations, favorably,

s. 407. To authorize and empower the board of trustees of the "Evergreen Male and Female Academy," an institution of learning, incorporated by act of the general assembly of the state of Alabama, approved February 5th, 1840, to prescribe and adopt the order, mode and branches of study and learning to be pursued in said academy, fix the rates of tuition, grant diplomas or other certificate of scholarship, and to do any and all lawful acts necessary, proper and lawful to be done to further the objects of said academy, or which other literary institution of like kind may do:

s. 383. To incorporate the town of Moulton, in Lawrence county, Alabama;

s. 385. To confer upon the town of New Decatur, in Morgan county, Alabama, the power to require certain male inhabitants of said town to work on the streets of said town;

n. 824. To incorporate the "Alabama Street Presbyterian Church," located in Selma;

s. 237. To amend certain sections of the charter of the town of Oxford, and to give said town of Oxford power to issue bonds;

s. 386. To amend section two (2) of an act entitled "an act to authorize the corporate authorities of the town of New Decatur, in the county of Morgan, to negotiate a loan for the improvement of the streets, and of the sanitary condition of the said town, and to issue bonds for the payment of said loan," approved February 13th, 1889, so as to read as follows:

n. 468. To amend sections three, seven and twenty-four of an act to incorporate the city of Jenifer, Alabama, approved February 28, 1889;

Also, with amendment,

n. 588. To amend section eight of an act entitled an act to provide a new charter for the city of Tusculmbia, Colbert count, Alabama, approved February 28, 1887;

n. 416. To incorporate the town of Luverne in the county of Crenshaw and state of Alabama.

By Mr. Grant, from printing, favorably,

n. 285. To expedite the printing of the acts and joint resolutions of the general assembly.

By Mr. Handley, from financ, favorably,

s. 400. To repeal an act entitled an act to amend section one of an act entitled an act to fix the compensation of the tax assessors of Mobile county, approved February 28th, 1887;

n. 602. For the relief of A. G. Franklin, ex-sheriff of the county of DeKalb, state of Alabama;

n. 616. For the relief of the estate of John R. Dicken, deceased.

By Mr. Skeggs, from education, with a substitute,

n. 38. To provide for the better maintenance and support of the public shools of Jefferson county, Alabama.

By Mr. Parks, from revision of laws, favorably,

s. 399. To regulate and define the fees and compensation of judges of probate in this state in certain cases and for certain purposes.

By Mr. Godfrey, from the penitentiary, favorably,

n. 612. To amend section 4641 of the code.

The house bill 612 and the senate bill 399 were made special orders for to-morrow at 12 o'clock.

MINORITY REPORT.

Mr. Inzer, from the judiciary committee, substituted a minority report, which was ordered spread on the journal, as follows:

Mr. President:

We do not concur in the report of the majority of the committee on the judiciary, in reference to senate bill No. 189, for the following reasons:

The bill in its title and its body proposes to amend and declare the true intent and meaning of an act approved February 19th, 1889, and entitled an act to amend an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama.

The body of the bill now proposed to be made a law recites alleged facts, and then it proceeds, "now, therefore, it is hereby declared to be the true intent and meaning of said act of February 19th, 1889, and it is amended to read as follows:"

"There are two reasons why said bill should not pass:

1st. The constitution of Alabama, article 3, section 1, declares that "The powers of the government of the state of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit, those which are legislative to one, those which are executive to another, and those which are judicial to another." The section 2 of said article declares that "no person or collection of persons being of one of these departments shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted." From this language it is perfectly clear that the legislature can not exercise any judicial power unless expressly directed or permitted by some other clause of the constitution. This bill, we think, asks the legislature to exercise judicial power, a power which properly belongs to the judicial department of the government and ought not to pass, for each member of the general assembly is under a solemn oath to uphold and support the constitution. The supreme court of Alabama in the case of the Alabama Insurance and Trust Company v. Boykin, 38 Ala. 510, defines the meaning of judicial and legislative power, and in doing so quotes from the celebrated case of *Dash vs. Vankleek*, 7 Johns. Report, 496, and says, "It has been well said that to declare what the law is or has been is a judicial power, to declare what the law shall be is legislation."

Cooley in his constitutional legislation quotes and adopts the language of *Dash vs. Vankleek*.

This proposed bill undertakes to declare what the law is or has been—it undertakes to declare the intent and the meaning of an act passed by the legislature. In other words it construes the law and declares its meaning and legal effect; and then runs directly contrary to the constitution by exercising power which the judicial department alone can exercise.

2. This bill violates the obligation of the contract between the state and the railroad company, and therefore is unconstitutional. Every charter of a private corporation is a contract between it and the state, and every amendment to it accepted by the company is a contract which is beyond the power of

the legislature to change, without the consent of the company. The supreme court of Alabama has finally settled this identical question. See *Tennessee and Coosa River Railroad Company v. Moore*, 36 Ala. 371.

On page 387 of this volume, Judge R. W. Walker delivering the opinion of the court, says: "It is perfectly clear that every law which enlarges, abridges or in any manner changes the intention of the parties resulting from the stipulation in the contract, necessarily impairs it. The manner or degree in which this change is effected can in no respect influence the conclusion; for whether the law affects the validity, the construction or the evidence of the contract, it impairs its obligation, though it may not do so to the same extent in all supposed cases. Any deviation from its terms, by postponing, or accelerating the period of performance, which it prescribes, imposing conditions not expressed in the contract or dispensing with the performance of those which are a part of the contract, however minute, or apparently immaterial in their effect upon it, impairs its obligation."

On page 386 of same vol. Judge Walker says: "Whatever its form, the contract of a state is, like any other contract, binding upon the parties; nor can the people, or their representatives by any subsequent act of theirs, alter or amend it. When the contract is made, the constitution of the United States acts upon it, and puts it beyond the power of any succeeding legislature to impair its obligation."

Again, on page 387 of the same vol. Judge Walker says: "The company then by accepting the proposition of the legislature and complying with its terms * * * * "acquired a vested right to the fulfilment of the contract by the state, of which no subsequent legislation could deprive it."

In the act of February, 1889, the state agrees to do a certain thing; the promise of the one is the consideration for the promise of the other. The company accepted this proposition of the legislature, and in pursuance of it has commenced and is proceeding to carry out its obligations. It has five years from the 19th of February, 1889, within which to complete its contract. Now the legislature proposes by the present bill not only to construe and interpret the law of February, 1889, (the performance of a purely judicial function), but it proposes to force the company to build in a specified direction, not named in the original contract.

If it be said that this is only declaring what the contract

really meant, and what the legislation intended, this is for the courts, and not the legislation.

This proposed law is then unconstitutional, because it undertakes to perform judicial functions—and because it will impair the obligation of the contract.

The legislators who are sworn to support the constitution are as much bound by their oaths as the judges, who are likewise sworn to support the constitution. The obligation is equally binding in each department of the state government.

For these reasons we cannot agree with the majority of the committee, and beg leave to dissent therefrom.

JOHN W. INZER,
MAC. A. SMITH,
OSCAR R. HUNDLEY.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has concurred in the senate amendments to the following bills :

ii. 87. To amend section 2 and paragraphs 7, 9, 10 and 13, and section 4 and sections 9 and 10 of an act entitled an act to provide for a charter for the city of Jasper, in Walker county, Alabama, approved Feb. 6th, 1889 ;

ii. 207. To change and fix the rule of descents and distributions in this state, as to persons dying intestate, who leave no widow or children or their descendants, but who leave parents surviving them ;

ii. 657. To establish a district in Limestone county, in which it shall be unlawful for hogs, sheep and goats to run at large ;

And has non-concurred in the 1st and 3rd senate amendments, and has concurred in the second senate amendment to

ii. 225. To protect and regulate the time and manner of catching and taking fish from and in the waters of the state of Alabama, in the counties of Mobile and Baldwin ;

And has originated and passed the following bills :

ii. 160. To allow the sheriffs of Franklin and Jackson counties more time to summon jurors ;

ii. 450. To prevent hunting or fishing, entering upon or trespassing upon certain lands on the Black Warrior river in Greene county, in township twenty, and twenty-one, and

ranges two and three, east, after the owner or person in possession thereof, shall have forbidden the same by notice posted on the lands, or by publication in a newspaper published in said county;

ii. 658. To amend the charter of the town of Greensboro, Alabama, and the acts amending the same;

ii. 813. To provide for the levy, assessment and collection of taxes in the counties of Chambers and Pickens, for the years 1891 and 1892;

ii. 839. To authorize the mayor and board of alderman of the town of Eutaw to pass an ordinance, regulating the business of selling or offering for sale, in said town any second hand or pawn brokers goods, wares, or merchandise, and to fix a license therefor, and a penalty for violations of same;

ii. 366. To provide for a system of water works for the city of Sheffield, Colbert county, Alabama;

And has amended and passed the following bill:

s. 20. To change the time of electing commissioners of Lee county;

And has passed,

s. 116. To regulate the trials of misdemeanors in Lawrence county;

And has originated and passed,

ii. 275. To repeal an act entitled an act relating to the working of male convicts sentenced to hard labor for the county of Jefferson, upon the public roads of said county;

ii. 490. To prohibit the selling, bartering, exchanging, or giving away of spirituous, vinous or malt liquors, intoxicating bitters or beverages in Mitchell's beat number one, Landerdale county, Alabama;

ii. 562. To establish in this state a school for the education of the deaf mute and blind children of the negro race;

ii. 661. To legalize the purchase of a ferry across the Chatahoochie river, by the town of Columbia, Henry county, Alabama, and to authorize said town to run or operate the same;

ii. 758. To amend section two of an act entitled an act to create a separate school district in Marion and Lamar counties, and to define the boundaries thereof, approved February 27th, 1889;

ii. 685. To refund license money to J. C. Bangham, of Tallapoosa county;

ii. 324. To incorporate the Fayette Alliance Union at Fayette, Fayette county, Alabama;

ii. 279. To create a board of education for the city of Bessemer and to prescribe the powers and duties of the same ;

ii. 534. For the relief of Susan Rudder a teacher of the public school in township 2, range 8, in Jackson county.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The senate insisted on its amendment to house bill 225 in the foregoing message, and asks a committee of conference thereon.

The president appointed as a committee on part of the senate, Messrs. Williams, Smith of Mobile and Cowan.

The house bills in the foregoing house message were severally read once and referred to appropriate committees, as follows :

ii. 685, 534, 562, 839, 813, to Finance ;

ii. 366, to revision of laws ;

ii. 160, to local legislation ;

ii. 661, 658, to municipal and county organizations ;

ii. 279, 758, to education ;

ii. 324, 450, to agriculture ;

ii. 275, to penitentiary ;

ii. 490, to temperance ;

The senate concurred in the house amendment to the bill s. 20, set out in the foregoing house message—yeas 17, nays 0.

Yeas—Mr. President, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel—17.

MESSAGE FROM THE HOUSE.

Mr. President :

The house acceded to the request of the senate for a conference committee on house bill 225. Committee on the part of the house, Messrs. Lewis, Moore of Baldwin, and Buck.

B. F. ELMORE,
Clerk.

BILLS ON THIRD READING.

The bill,

s. 249. To provide for an election to settle the question of

a change of the name of the town of Jacksonville, from Jacksonville to Tradegar.

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Parker Parks, Smith of Mobile, Stallworth, Stansel, Williams—22.

The bill,

s. 253. To tax labor agents,

Was taken up.

Mr. Bloch offered an amendment to the pending amendment.

Adopted.

The pending amendment, as amended, was adopted, as follows:

Amend by adding after the word county in 16th line, the words, "or counties," and by striking out the word "ten" in the 22nd line, and inserting in lieu thereof the word "two."

Provided that the provisions of this bill, shall not apply to the passenger agents of railroads, residing in Alabama, who are engaged in the legitimate pursuit of their business,

Was read a third time and lost yeas 9, nays 15.

Yeas—Mr. Bloch, Cowan, Downey, Handley, Harris of Hale, Harris of Lee, Parker, Stansel, Williams—9.

Nays—Mr. President, Berry, Grant, Godfrey, Haralson, Hundley, Inzer, Lackey, Minge, Parks, Skeggs, Smith of Mobile, Stallworth, Steagall, Waddell—15.

Mr. Inzer moved to reconsider the vote by which the bill was lost.

Carried.

Mr. Inzer Moved to reconsider the vote by which the bill was ordered to a third reading.

Carried.

On motion of Mr. Inzer the bill was recommitted to the judiciary committee.

The bill,

s. 233. To confirm, amend and enlarge the charter of the Birmingham Railway and Electric Company,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stansel, Steagall, Waddell, Williams—21.

At the hour of 12 o'clock m., the senate proceeded to consider the

SPECIAL ORDER.

Which was

The bill,

s. 15. To prevent the running of freight trains on the Sabbath Day in the state of Alabama.

And the adverse report was concurred in—yeas 10, nays 8.

Yeas—Mr. Godfrey, Handley, Harris of Hale, Minge, Nesmith, Parker, Skeggs, Smith of Mobile, Steagall, Williams.—10.

Nays—Mr. President, Berry, Bloch, Cowan, Grant, Harris of Lee, Inzer, Stansel—8.

The senate resumed the consideration of

BILLS ON THIRD READING.

The bill,

s. 273. To incorporate the Birmingham Trust and Security Company.

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Nesmith, Skeggs, Smith of Mobile, Stansel, Steagall, Williams—17.

The bill,

s. 218. To amend an act to provide for the payment of costs on convictions of felony where the defendant is sentenced to imprisonment in the penitentiary, approved February 25, 1889,

Was taken up, and the pending amendment adopted, as follows:

Amend by inserting after the word "costs" in the 4th line of the 3rd section the words, "except witnesses fees."

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Bloch, Cowan, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Handley, Inzer, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—19.

The senate bills 264, 265, 218, were ordered to the house without being engrossed.

The bill,

n. 348. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of alcoholic, vinous or malt liquors or other intoxicating drinks, or fruits preserved in alcoholic liquors within the corporate limits of the town of Moulton, in Lawrence county, or within five miles thereof, and other places therein named, approved February 28, 1889, so far as the same relates to the corporate limits of Moulton, Lawrence county, or within five miles thereof,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

n. 467. To prohibit the selling, giving away or disposing of spirituous, vinous or malt liquors, or of alcoholic bitters, cordials or beverages of any kind in Sumter county,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. Berry, Cowan, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—18.

The bill,

s. 157. To limit the time within which minors may repudiate their deeds and contracts after reaching their majority,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. Berry, Cowan, Downey, Grant, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—18.

The bill,

s. 152. To provide for the sale under execution, attachment, decree of a court of record or other judicial process, of the right of redemption of real estate sold under execution, decree, mortgage or deed of trust,

Was read a third time and passed—yeas 10, nays 8.

Yeas—Mr. Berry, Downey, Godfrey, Handley, Harris of Lee, Inzer, Parker, Smith of Autauga, Smith of Mobile, Williams—10.

Nays—Mr. President, Cowan, Harris of Hale, Hundley, Minge, Nesmith, Stansel, Steagall—8.

The bill,

s. 229. To punish the intimidation of voters at any election held in this state,

Was read a third time and passed—yeas 14, nays 4.

Yeas—Mr. Cowan, Downey, Godfrey, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall—14.

Nays—Mr. President, Handley, Nesmith, Williams—4.

The bill,

s. 264. To amend section 4631 of the code,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Nesmith, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—17.

The bill,

s. 286. To incorporate the Jasper Water Works Company, Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Nesmith, Parker, Smith of Mobile, Stansel, Steagall, Williams—18.

The bill,

s. 265. To amend section 4591 of the code,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Cowan, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Stansel, Steagall, Williams—18.

The bill,

s. 154. To amend section 3216 of the code,

Was taken up, and the pending amendment adopted, as follows:

Strike out all that part commencing with the words, “and no appeal shall operate,” &c.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

s. 308. To amend section 488 of the code of Alabama, so far as the same applies to the county of Mobile,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—20.

The bill,

s. 306. For the protection of widows and minor children.

Was taken up, and Mr. Parker offered an amendment, which was adopted, as follows:

Amend section 1 by striking out after the words, "husband or father," the words, "and the title to such homestead when set apart to them shall vest absolutely in them;" and by adding in lieu of the same the words as follows: "But her or their interest and rights in and to the same shall remain the same as if she or they had not removed from the state."

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Skeggs, Smith of Mobile, Stansel, Steagall, Wiley, Williams—20.

The bill,

s. 324. To amend sections 16, 17, subdivision 11 of section 21, and section 29 of the act entitled an act to establish a new charter for the city of Birmingham, approved the 12th day of December, 1890,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Wiley, Williams—19.

RECESS.

At 1:30 o'clock p. m. the senate took a recess till 4 p. m.

AFTERNOON SESSION.

The senate re assembled at four o'clock p. m., a quorum present.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Inzer for one day, and, on account of sickness, to Mr. Milner indefinitely.

BILLS ON THIRD READING.

The bill,

s. 337. To provide for the election of the superintendent of education of Randolph county by the vote of the people of the county, as other county officers are; and to provide the length of the term of office of the superintendent of education in said county to be approved in October, 1891.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—18.

The bill,

s. 339. To prevent stock from running at large in beat four in Lee county,

Was taken up.

Mr. Harris of Lee offered certain amendments, which were severally read and adopted.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Cowan, Godfrey, Handley, Harris of Lee, Hundley, Lackey, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Williams—17.

The bill,

s. 340. To provide for the times of holding the circuit courts in the sixth judicial circuit of this state,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—17.

The bill,

n. 652. To provide for the payment of members and expenses of the joint committee which held its sitting during the recent recess to inquire into the necessity for increasing the judicial circuits and chancery divisions of this state,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Godfrey, Hand-

ley, Haralson, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Steagall, Williams—18.

The bill,

ii. 605. To reimburse the sheriff of Hale county for the extradition of Tom Walker,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

s. 228. To amend section 3781, of the code,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Minge, Nesmith, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

The bill,

s. 296. To amend section two of an act entitled an act to authorize the Macon and Birmingham Railroad Company, a corporation under the laws of Georgia, to construct, maintain and operate its railroad within the state of Alabama, and do all other things necessary for that purpose, approved February 27, 1889,

Was taken up.

Mr. Handley offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—19.

The bill,

s. 175. To render the certificate of attendance of state witnesses, in cases where the defendant is convicted, void when sold or transferred,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—18.

The bill,

s. 252. To authorize justices of the peace and notaries

public with ex-officio powers as justices of the peace, in beats 16 and 22, Jefferson county, to exercise exclusive jurisdiction in said beats,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Downey, Grant, Godfrey, Handley, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stansel, Steagall, Williams—19.

The bill,

s. 310. To provide for repairing and furnishing the capitol and improving the capitol grounds,

Was taken up, and, on motion of Mr. Wiley, the following amendment was adopted, viz:

Amend caption by inserting before the word "repairing" the words "heating, ventilating, lighting," and inserting in body of bill, after word "ventilating," the word "lighting."

The bill was read a third time and passed—yeas 16, nays 3.

Yeas—Mr. President, Berry, Cowan, Grant, Godfrey, Hundley, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—16.

Nays—Messrs. Harris of Lee, Lackey, Parker—3.

The bill,

s. 179. To provide for the distribution of the money received by the state of Alabama each year, in pursuance of the act of congress, approved March 2nd, 1887, and known as the Hatch act, which is entitled "an act to establish agricultural experimental stations in connection with the colleges established in the several states under the provisions of an act approved July 2nd, 1862, and of the acts amendatory thereto,"

Was, on motion of Mr. Stansel, postponed and made a special order for Monday, at 12 o'clock.

The bill,

s. 269. To make an appropriation for the benefit of the State Agricultural Society for the year 1891,

Was read a third time and passed—yeas 16, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Haralson, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—16.

The bill,

s. 282. To amend section 2908 of code of 1886,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Har-

alson, Harris of Lee, Hundley, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—19.

The bill,

s. 321. To amend section 715 of the code of Alabama, relating to the time and places of holding court in the 7th and 16th districts of the northwestern chancery division of Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—20.

The bill,

s. 324½. To amend section 3431 of the code of Alabama.

Was read a third time and passed—yeas 20 nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—20.

The bill,

s. 331. To provide for the election of the school district trustees in Mobile county, outside the city of Mobile, and filling vacancies therein.

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downe, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—20.

The bill,

s. 354. To better provide for the establishment and working of the public roads in this state.

Was on motion of Mr. Stallworth, postponed and made a special order for Monday immediately after the call of committees.

The bill,

s. 309. To authorize and empower the city of Mobile to create, open and establish streets and highways within its corporate limits,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Nesmith,

Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—19.

The bill,

s. 305. To incorporate the Pythian Temple Company, of Birmingham, Ala.,

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—19.

The bill,

s. 344. To incorporate the Mobile Transportation Company and to define the powers of said company,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Downey, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—18.

The bill,

s. 299. To incorporate the Autauga Volunteer Hook and Ladder Company No. 1, of the town of Prattville,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Haralson, Harris of Lee, Hundley, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—19.

The bill,

s. 281. To amend section 2359 of the code of Alabama.

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Cowan, Downey, Godfrey, Handley, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—20.

The bill,

s. 325. To incorporate the Pratt Mines Savings Bank of Pratt Mines, Jefferson county, Alabama.

Was taken up, and the pending amendment was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—18.

The bill,

s. 323. To confirm and amend the incorporation of the Iron State Building and Loan Company,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bloch, Cowan, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—18.

The bill,

s. 297. To grant certain rights of way to the Montgomery and Sylacauga Railroad Company,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bloch, Cowan, Downey, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—19.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

January 30, 1891.

Mr. President:

The house has originated and passed

ii. 719. To authorize an election in Bibb county to ascertain whether a bridge across the Cahaba river in said county shall continue a toll bridge or be made a free bridge;

And ordered to the senate without engrossment.

And has passed

s. 271. To fix the times and places of holding the chancery courts in the southwestern chancery division of the state of Alabama;

And has amended, as therein shown, and as amended has passed,

s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bill in the foregoing house message was read once and referred to an appropriate committee, as follows:

n. 719, to local legislation.

The senate concurred in the house amendment to the bill, s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state;

Yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—19.

ADJOURNMENT.

At 6 o'clock p. m. the the senate adjourned.

THIRTY-SIXTH DAY.

SATURDAY, Jan. 31st, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Brown, of the city.

Present—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The journal of yesterday was read and approved.

LEAVES OF ABSENCE.

Leave of absence was granted Messrs. Steagall, Harris of Lee, and Harris of Hale, for one day, to Mr. Hundley, for Monday and Tuesday, to Mr. Downey, until Tuesday, and to Walker Owen, page, for one day, and to Mr. Cowan, indefinitely, on account of sickness.

CALL OF DISTRICTS.

Bills were introduced, read the first time, and referred to appropriate committees, as follows:

By Mr. Nesmith, by request—

s. 430. To establish the Mount Pleasant school district in Lamar county:

Education.

By Mr. Haralson—

s. 431. To fix the times and places of holding the circuit courts in the various counties composing the ninth judicial circuit of the state of Alabama:

Local legislation.

By Mr. Smith, of Mobile—

s. 432. To regulate the mooring of vessels in, and to prevent unnecessary obstruction to the navigation of Mobile river north of the city of Mobile:

Agriculture.

Also,

s. 433. To establish and provide for the maintenance of a quarantine by improved methods, against the introduction of yellow fever and other infectious and contagious diseases in the state of Alabama:

Finance.

By Mr. Stallworth—

s. 434. To amend section 2905 of the code:

Judiciary.

By Mr. Parker—

s. 435. To empower the mayor and aldermen of the city of Wetumpka, to assess, levy, and collect a tax on retail dealers in spirituous, vinous or malt liquors:

Local legislation.

Also,

s. 436. To repeal an act to amend section 1544 of the code of Alabama, so far as the same relates to the counties of Blount, Cullman, Cleburne, Washington, Coosa, Autauga, St. Clair, Elmore, Marshall, Dale and Chilton, approved on the 1st of March, 1881, so far as the same relates to the city of Wetumpka, Elmore county, Alabama:

Local legislation.

Also,

s. 437. To authorize the county of Elmore and the city of Wetumpka to erect, or buy, a bridge across the Coosa river at or near Wetumpka, and to issue bonds therefor, and to levy and collect taxes for the payment of said bonds:

Local legislation.

Also,

s. 438. To amend an act approved February 17, 1885, en-

titled an act to amend sections 1 and 2 of an act to define the corporate limits of the city of Wetumpka, approved February 23, 1883;

Local legislation;

By Mr. Parks—

s. 439. To amend section 1 of an act to establish a normal school for the education of white male and female teachers at Troy, in Pike county, Alabama;

Education;

By Mr. Berry—

s. 440. To refund license money to James E. Ray of Tallapoosa county;

Education.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time as follows:

By Mr. Stansel, from the judiciary, favorably,

H. 435. To provide for an additional judge of the supreme court of Alabama;

s. 406. For the relief of James E. Kennedy, sheriff of Dallas county;

Also, with amendments.

H. 480. To prevent the wrongful and illegal collection of money on farm produce as storage.

H. 84. To prohibit pools, trusts or combines to regulate or control the prices of produce, goods, wares or merchandise in this state.

By Mr. Handley, from finance, favorably, with amendment,

H. 481. To provide for the support of the indigent soldiers and sailors of the late Confederate States army and navy who are bona fide citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama.

By Mr. Parks, from revision of laws, favorably,

s. 359. To amend section 521 of the code, so far as the same relates to Jefferson county.

By Mr. Williams, from internal improvements, favorably, with amendments,

s. 326. To ratify, confirm and enlarge the corporate powers of the Birmingham, Powderly and Bessemer Street Railroad Company;

s. 362. To incorporate the Mobile Point, West India Island and South American Steamship Company;

Also, favorably,

s. 374. To authorize the construction of tranways, pole-roads, canals and ditches by corporations, associations, partnerships and individuals, in Conecuh, Butler, Crenshaw and Covington counties;

s. 348. To incorporate National Banking, Investment and Trust Company;

s. 347. To incorporate Sheffield Savings and Trust Company;

Also, with amendment,

ii. 106. To incorporate the Alabama State Mining and Manufacturing Company;

Also, favorably,

ii. 119. To promote the comfort of passengers on railroad trains;

ii. 319. To ratify and amend the charter of the Security Bank of Alabama.

By Mr. Williams, from joint committee on public roads, with recommendation,

s. 409. To provide for a more efficient system of working the public roads.

By Mr. Godfrey, from committee on the penitentiary, favorably, with a substitute,

a. 289. To amend section 4578 (4551) of the code of Alabama.

By Mr. Skeggs, from education, a substitute for,

s. 221. To provide the mode of apportionment of the public school funds of the state by the superintendent of education;

Also, favorably,

s. 397. To incorporate the Colored Normal College of Lamar county;

ii. 69. To create a separate school district in Cherokee county, and to define the boundaries thereof.

On motion of Mr. Godfrey, 50 copies of s. 409 were ordered printed for use of the senate.

QUESTIONS OF PRIVILEGE.

Mr. Godfrey arose to a question of privilege, and moved to reconsider the vote by which the senate passed the bill,

ii. 467. To prohibit the selling, giving away or disposing of spirituous, vinous or malt liquors, or of alcoholic bitters, cordials, or beverages of any kind in Sumter county.

The motion to reconsider prevailed.

Mr. Godfrey moved to reconsider the vote by which the bill was ordered to a third reading.

Carried.

Mr. Godfrey offered certain amendments, which were severally read and adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Smith of Antauga, Smith of Mobile, Stansel, Waddell, Williams—18.

Mr. Parker arose to a question of privilege, and moved to reconsider the vote by which the senate passed the bill,

s. 296. To amend section two of an act entitled an act to authorize the Macon and Birmingham Railroad Company, a corporation under the laws of Georgia, to construct, maintain and operate its railroad within the state of Alabama, and do all other things necessary for that purpose, approved February 27, 1889.

The motion to reconsider prevailed.

On motion of Mr. Parker, the vote by which the bill was ordered to a third reading was, also, reconsidered.

Mr. Lackey offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Bloch, Godfrey, Handley, Haralson, Hundley, Lackey, Nesmith, Parker, Parks, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—17.

Mr. Williams arose to a question of privilege, and moved to reconsider the vote by which the senate passed the bill,

s. 252. To authorize justices of the peace and notaries public with ex-officio powers as justices of the peace, in beats 16 and 22, Jefferson county, to exercise exclusive jurisdiction in said beats.

The motion to reconsider prevailed.

Mr. Williams moved to reconsider the vote by which the bill was ordered to a third reading.

Carried.

On motion of Mr. Williams, beat 17 was inserted in title and body of bill.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parks,

Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Waddell, Williams—18.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills :

H. 498. To declare the true intent and meaning of an act approved February 19th, 1889, and entitled an act to amend an act entitled an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the state of Alabama;

H. 644. To incorporate the town of Leighton in the counties of Colbert and Lawrence, Alabama;

H. 669. To incorporate the Auburn Baptist Church of Auburn, Lee county, Alabama;

And has concurred in the first senate amendment to

H. 467. To prohibit the selling, giving away or disposing of spirituous, vinous or malt liquors, or of alcoholic bitters, cordials or beverages of any kind in Sumter county;

And has non-concurred in the second senate amendment to the bill.

BENJ. P. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bills in the foregoing house message were severally read the first time, and referred to appropriate committees, as follows :

H. 498, to internal improvements;

H. 644, 669, to municipal and county organizations.

On motion of Mr. Godfrey, the senate receded from its second amendment to the house bill 467 in the foregoing house message.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,
MONTGOMERY, Jan. 31, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing, with accompanying documents.

J. K. JACKSON,
Private Secretary.

The governor's message was read as follows :

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALABAMA, January 31st, 1891.

Gentlemen of the General Assembly:

I transmit herewith the application of the South and North Alabama Railroad Company, made to me as ex-officio debt-commissioner, for the issue of 36 "class B," bonds authorized under what is known as the "debt settlement act," approved February 23rd, 1876, in settlement of certain bonds of the state issued under the act approved April 21st, 1873, commonly known as the four thousand dollar per mile law.

The substance of the transaction referred to is this:

The South and North Alabama Railroad Company, at the time of the endorsements hereinafter referred to, was 183 miles in length and received the endorsements of the state on its bonds, on that basis, to the extent of sixteen thousand dollars per mile, under the provisions of the act, approved February 21st, 1870, "to furnish the aid and credit of the state for the purpose of expediting the construction of railroads within the state." It also received an endorsement at the rate of six thousand dollars per mile, under the "act to give additional aid to the South and North Alabama Railroad Company," approved March 3rd, 1870.

Under authority of these two acts its bonds were endorsed to the amount of \$4,026,000.00. Subsequently, on the 21st April, 1873, the general assembly passed an act to provide for the substitution of state bonds to the amount of four thousand dollars per mile, in lieu of state endorsement of bonds of the various railroad companies of this state.

This act, in substance, provided that to the extent of sixteen thousand dollars per mile, the state would give one of its bonds for four of state endorsed bonds; but excluded from the benefits of its provisions any endorsements in excess of sixteen thousand dollars per mile.

It appears from the public records that the South and North Alabama Railroad Company accepted the terms of this act, and under its provisions would have been entitled to \$732,000 of what are known as the four thousand dollar per mile bonds; but it seems that it did not surrender at that time all of its state endorsed bonds, \$391,000 of which it was unable to return, and while it appears that \$732,000, of bonds (the total amount of the issue of the bonds to which it would be entitled under the four thousand dollar per mile act.) were de-

livered to it, it also appears that \$391,000 of these bonds were required to be deposited with the state treasurer, to be held as indemnity against the outstanding state endorsed bonds.

The railroad company now presents its state endorsed bonds, and asks for the issue of "class B," bonds to close up the transaction, claiming 36 "class B" bonds in full settlement.

The debt commissioners books and report show that 36 of these bonds are due them. There is, however an entry in the record book in the governor's office that 72 of these bonds were illegally issued by Gov. Lewis and were cancelled and destroyed. Hon. L. W. Lawler, the only living member of the debt commission, is of opinion that this entry was made and action taken, because under the provisions of the act of April 21st, 1873, the railroad company was not entitled to receive all the bonds at the rate of four for one, under the act of April 31st, 1873, until it had surrendered all its state endorsed bonds; and as it had not returned \$391,000 state endorsed bonds, the 72 of what is known as the four thousand dollar per mile bonds were held to be improperly issued to the company, and not entitling it to class "B" bonds, until all its endorsed bonds were surrendered.

A statement of the transaction between the state and the South and North Alabama railroad company may be found on pages 14 to 16 of the report made by the debt commissioners to Gov. Houston on the 24th January, 1875—the basis of the settlement then made of the matter—which was confirmed under the act approved February 23rd, 1876, ratifying and confirming the settlement of the State's indebtedness as proposed in the report of said commissioners.

It appears from the various laws cited and the calculation of indorsements according to the number of miles, and the ratio upon which new bonds were to be surrendered, that the company is entitled to the 36 bonds, the delivery of which it now asks.

The deposit with the state treasurer of the 391 four thousand dollar per mile bonds seems to have been an outside security held by the state against its endorsed bonds to like amount. The debt commissioners in exchanging bonds with the railroad company seem to have considered that the 36 "B" bonds which were held back, would be ample security when taken in connection with the value of the railroad, against any detriment which might come from the enforcement of the mortgage securing the state endorsed bonds, which had not then been

delivered up and cancelled; and they accordingly delivered to the company 330 class "B" bonds on account.

Upon the facts stated, the right of the South & North Alabama railroad company to the 36 bonds in full settlement seems clear, if they should surrender to the governor the \$391,000 of four thousand per mile bonds which have been cancelled by the state, together with 391 outstanding state endorsed bonds which have been tendered to me.

The power of the governor, as debt commissioner, under section 6, however, is only to issue class "B" bonds in substitution of and on the surrender of the bonds issued under the act of April 21st, 1873, called for convenience the four thousand dollar per mile act, and these have already been surrendered to the state and destroyed.

I am unwilling to act in the matter without the advice and direction of the legislature.

THOS. G. JONES,
Governor.

MONTGOMERY, Jan. 30, 1891.

To his excellency, Thomas G. Jones, Governor of the State of Alabama:

The South and North Alabama Railroad Company respectfully presents the following facts, and application based thereon:

By an act of the legislature of the state of Alabama, entitled "an act to furnish aid and credit of the state of Alabama for the purpose of expediting the construction of railroads within the state," approved February 21st, 1870, it was provided among other things, that upon the terms and conditions specified in the act, the governor of the state was required to endorse, on the part of the state, the first mortgage bonds of the several railroad companies in the state to the extent of sixteen thousand dollars (\$16,000) per mile of completed road, and to continue such indorsements of bonds to the same extent per mile, upon the completion of each section of five (5) miles of road until the whole of the railroad shall be completed.

By an act of said legislature, entitled "an act to give additional aid to the South and North Alabama Railroad Company," approved March 3rd, 1870, the governor of the state was required to endorse the bonds of the South and North Alabama Railroad Company to the extent of six thousand dollars

(\$6,000) per mile of road, in addition to the sixteen thousand dollars (\$16,000) per mile previously authorized to be endorsed by the said act, approved February 21st, 1870. The length of said company's railroad was one hundred and eighty-three (183) miles, and at the rate of twenty-two thousand dollars (\$22,000) per mile (\$16,000 plus \$6,000) it had the right to execute and have endorsed by the governor 4026 bonds of \$1,000 each, and it did execute them and the governor endorsed them on behalf of the state in pursuance of said act, and hence the governor endorsed the bonds of said railroad company to the amount of four millions and twenty-six thousand dollars (\$4,026,000).

And the legislature of the state passed another act, entitled "An act to provide for the substitution of state bonds to the amount of four thousand dollars (\$4,000) per mile in lieu of said endorsement of bonds of the various railroad companies of this state," approved April 21st, 1873, and commonly known as the four thousand dollars (\$4,000) per mile act.

This company complied in all respects with the terms and provisions of this last named act, and returned to the state all of its first mortgage eight (8) per cent. bonds, endorsed on behalf of the state by the governor, excepting 391 bonds, then not in its possession nor under its control. And under this last act the company would have been entitled to bonds at the rate of four thousand dollars (\$4,000) per mile on one hundred and eighty-three miles of railroad, that is to say, entitled to 732 bonds of \$1,000 each, had it returned to the state the whole of the 4,026 endorsed bonds; but having failed to return the 391 state endorsed bonds as aforesaid, the state delivered to the company only three hundred and forty-one (341) of the bonds provided for by the said act of April 21st, 1873, retaining the other 391 bonds to be delivered to the company upon its return to the state, the said 391 state endorsed bonds.

The legislature also passed an act, entitled "An act to ratify and confirm the settlement of the existing indebtedness of this state, as proposed in the report of the commissioners appointed under the act approved 17th December, 1874, and which was communicated to the general assembly by message of the governor of 24th January, 1876, and to carry said settlement into effect by the issuance of new bonds of this state, at a reduced rate of interest, in adjustment of a portion of said indebtedness, and the surrender of certain sureties held by the state in discharge of another portion of said indebtedness," approved

February 23d, 1876, among the railroad companies called the \$2,000 per mile act.

By the seventh section of this act the commissioners were authorized to use and apply so many of the bonds authorized by the sixth section of the act of February the 23d, 1876, as might be necessary for that purpose, in exchange for and substitution of the bonds of the state theretofore issued under authority of the act approved April the 21st, 1873 (the \$4,000 per mile act), but in such manner that one bond of the issue authorized by the act of February 23d, 1876, should be substituted and exchanged for two bonds of the issue authorized by said act of April 21st, 1873 (the \$4,000 per mile act), no allowance to be made for interest on the last named bonds.

This company returned to the state the three hundred and forty-one bonds which had been delivered to it under the act of April 21st, 1873, and the state retained and cancelled the other 391 bonds to which the company was entitled under said act of April 21st, 1873, in all 732. And for the return and cancellation of those 732 bonds to the state, the company was entitled under the act of February 23d, 1876, to 366 bonds when it should have delivered the 391 state endorsed bonds to the state. Of the issue under the act of February 23d, 1876, the state has delivered to the company only 330 bonds, and held the other 36 bonds until the payment, cancellation and return to the state of the 391 eight (8) per cent. bonds.

The company has since discharged and cancelled, and is ready to produce to the state the 391 eight (8) per cent. state endorsed bonds, and is now entitled to the 36 bonds to be issued under the sixth and seventh sections of the act of February 23d, 1876, with all proper interest. And it respectfully asks that they be issued to it accordingly.

By order of the Board of Directors.

SOUTH & NORTH ALABAMA RAILROAD COMPANY.

By H. F. DEBARDELEBEN,

President.

On motion of Mr. Grant the governor's message was referred to the committee on finance and 100 copies ordered printed for the use of the senate.

BILLS ON THIRD READING.

The bill,

ii. 285. To expedite the printing of the acts and joint resolutions of the general assembly,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Lackey, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—18.

The bill,

ii. 145. To amend an act to incorporate the Central City Insurance company, approved November 28th, 1863,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—17.

The bill,

ii. 315. To incorporate Union Springs Male and Female Institute,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Waddell, Williams—17.

The bill,

ii. 543. To amend section ten (10) of an act entitled an act to provide a new charter for the city of Tusculumbia, Alabama, approved February 28, 1887,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—18.

The bill,

ii. 460. To prohibit the sale of vinous, malt or spirituous liquors or other intoxicating drinks within six miles of Mount Moriah Free Will Baptist church, Pickens county, Alabama,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—17.

The bill,

s. 304. For the protection of telephone lines and business done over them in this state,

Was taken up and the pending amendment adopted as follows:

Strike out all after the word "obstructed" in section 4, and insert in lieu thereof the following: "Shall be guilty of a misdemeanor, and upon conviction shall be fined ten dollars for each offense."

Also, strike out section 17 of the bill.

Mr. Smith of Mobile, moved to strike out section 5.

Adopted.

On motion of Mr. Smith of Mobile, the bill was recommended to the judiciary committee.

The bill,

n. 454. To prevent the manufacture, sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, vinous or malt liquors or intoxicating bitters or beverages in Holly Springs precinct No. 31, in Jackson county,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Waddell, Williams—17.

The bill,

s. 319. To establish a reformatory for boys under the age of seventeen years.

Was taken up, and on motion of Mr. Hargrove (Mr. Hundley presiding), postponed and made a special order for Monday, immediately after the call of committees.

The bill,

n. 340. To amend section 4592 of the code,

Was taken up and the pending amendment adopted as follows: Strike out the proviso at end of the bill. The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Hundley, Haralson, Hundley, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—17.

The bill,

s. 298. To amend sections 1, 3, and 9 of an act entitled an act to incorporate the Montgomery and Sylacauga Railroad company, approved February 11th, 1889,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—19.

The bill,
 n. 381. To incorporate the city of Ozark, in the county of Dale.

Was taken up.

Mr. Haralson offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autanga, Smith of Mobile, Stallworth, Waddell, Williams—18.

The bill,

s. 293. To amend section 550 of the code of Alabama,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Minge, Nesmith, Parks, Skeggs, Smith of Autanga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—19.

On motion of Mr. Stansel the bill,

s. 234. To create two additional judicial circuits in the state of Alabama; one of them to be numbered and called the eleventh judicial circuit, and the other to be numbered and called the twelfth judicial circuit; and to fix the times and places of holding courts in each of said circuits. And to provide for a judge and solicitor for each of said judicial circuits.

Was recommitted to the judiciary committee.

The bill,

s. 364. To fix the time for holding the chancery courts in Randolph, Chambers, Lee, Tallapoosa and Coosa counties, in the north-eastern chancery division of the State of Alabama,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—18.

At 12 o'clock m., the senate proceeded to consider the

SPECIAL ORDERS.

The bill,

s. 399. To regulate and define the fees and compensation of judges of probate in this state in certain cases and for certain purposes,

Was taken up, and the bill was read a third time.

Mr. Wiley moved to reconsider the vote by which the bill was ordered to a third reading.

Mr. Stallworth moved to lay the motion to reconsider on the table.

Carried.

The bill was read a third time and passed—yeas 13, nays 5.

Yeas—Mr. Berry, Bloch, Handley, Haralson, Hundley, Minge, Nesmith, Parker, Parks, Skeggs, Stallworth, Stansel, Waddell—13.

Nays—Messrs. Grant, Godfrey, Smith of Mobile, Wiley, Williams—5.

The bill,

n. 612. To amend section 4641 of the code,

Mr. Skeggs offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Williams—18.

The bill,

n. 173. To amend sections 1, 7, 15, 16, 19, 21, 23 and 24 of an act entitled an act to establish a criminal court for the county of Pike, with criminal jurisdiction in misdemeanor cases, and to repeal certain sections therein,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Smith of Mobile, Stallworth, Stansel, Williams—17.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, January 31, 1891.

Mr. President:

I am instructed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,
Private Secretary.

And the senate went into executive session to consider the communication from the governor.

At 1:10 p. m., the executive session was dissolved and the doors opened, and the senate resumed the regular order of business.

RECESS.

At 1:30 p. m., on motion of Mr. Parker, the senate took an informal recess till Monday at ten o'clock.

THIRTY-SEVENTH DAY.

MONDAY, February 2nd, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Thompson of the city.

Present—Mr. President, Bradley, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Williams—23.

The journal of Saturday was approved without being read.

LEAVES OF ABSENCE.

Leave of absence was granted Mr. Inzer for the day, and to Miss Weakley, engrossing and enrolling clerk, and to Mr. Reynolds, indefinitely, on account of family afflictions.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows:

By Mr. Hayes—

s. 441. To amend and enlarge the charter of the Florence Loan and Trust Company, incorporated under the general laws of the State of Alabama;

Municipal and county organizations.

Mr. Hargrove—

s. 442. To amend an act to empower the governor of Alabama to reconvey to the United States a certain tract of land upon conditions described in the act, approved February 28th, 1889;

Federal relations.

- Mr. Godfrey—
 s. 443. To provide for the payment of costs of appeal in criminal cases;
 Judiciary.
- Mr. Milner—
 s. 444. To refund to Robert McKee certain moneys paid by him into the state treasury;
 Finance.
 Also,
 s. 445. To loan and appropriate the two and three per cent. fund now in the treasury;
 Internal improvements.
- Mr Smith of Mobile—
 s. 446. To amend section two of an act entitled “an act to amend the charter of the Stonewall Insurance Company, of Mobile, and extend the provisions thereof,” approved February 17th, 1885;
 Revision of laws.
- Mr. Stansel—
 s. 447. To incorporate the Louise Short Widows and Orphans Home;
 Municipal and county organizations.
- Mr. Harris of Lee—
 s. 448. To create a lien in favor of hotel keepers;
 Revision of laws.
- Mr. Skeggs—
 s. 449. To authorize the mayor and councilmen of the town of New Decatur, in Morgan county, Alabama, to divide the town of New Decatur into wards;
 Municipal and county organizations.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested, viz:

n. 652. To provide for the payment of members and expenses of the joint committee which held its sitting during the recent recess to inquire into the necessity for increasing the judicial circuits and chancery divisions of this state;

n. 605. To reimburse the sheriff of Hale county for the extradition of Tom Walker;

- n. 315. To incorporate Union Springs Male and Female Institute;
- n. 104. To authorize the court of county commissioners of Fayette county to issue the bonds of said county for an amount not exceeding twenty thousand dollars, for the purpose of building a court house and jail in said county;
- n. 358. To incorporate Brewton Collegiate Institute.
- n. 145. To amend an act to incorporate the Central City Insurance Company, approved November 28th, 1863;
- n. 285. To expedite the printing of the acts and joint resolutions of the general assembly;
- n. 454. To prevent the manufacture, sale, giving away, bartering, exchanging, or otherwise disposing of alcoholic, vinous or malt liquors or intoxicating bitters or beverages in Holly Springs precinct, No. 31, in Jackson county;
- n. 460. To prohibit the sale of vinous, spirituous or malt liquors, or other intoxicating drinks, within six miles of the Mount Moriah Freewill Baptist church, Pickens county, Alabama;
- n. 543. To amend section ten (10) of an act entitled an act to provide a new charter for the city of Tusculumbia, Alabama, approved February 28, 1887;
- n. 173. To amend sections 1, 7, 15, 16, 19, 21, 23 and 24, of an act entitled an act to establish a criminal court for the county of Pike, with criminal jurisdiction in misdemeanor cases, and to repeal certain sections therein;
- n. 164. To establish a separate school district to be known as China Grove school district in Hale county;
- n. 314. To establish the Cleveland school district in Blount county;
- n. 320. To establish a new charter for the town of Piedmont, Alabama;
- n. 348. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of alcoholic, vinous or malt liquors or other intoxicating drinks, or fruits preserved in alcoholic liquors within the corporate limits of the town of Moulton, in Lawrence county, or within five miles thereof, and other places therein named, approved February 28, 1889, so far as the same relates to the corporate limits of Moulton, Lawrence county, or within five miles thereof.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills the titles of which are set out in the foregoing house message.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows :

By Mr. Handley, from finance, favorably.

H. 839. To authorize the mayor and board of aldermen of the town of Eutaw to pass an ordinance, regulating the business of selling or offering for sale in said town, any second hand or pawn brokers goods, wares, or merchandise, and to fix a license therefor, and a penalty for violation of same ;

H. 448. To authorize the mayor and aldermen of the town of Attalla, in Etowah county, to issue bonds of said town for the purpose of providing said town with gas or electric lights and water, building and constructing sewers, building school houses, and to create a board of commissioners to manage, control and invest the proceeds of said bonds ;

H. 597. For the relief of A. B. Byrd, sheriff of Dale county, Alabama, for the removal of prisoners from Georgia and Florida, in the year 1890 ;

H. 813. To provide for the levy, assessment and collection of taxes in the counties of Chambers and Pickens for the years 1891 and 1892 ;

H. 534. For the relief of Susan Rudder, a teacher of the public schools, in township 2, range 8, in Jackson county ;

H. 562. To establish in this state a school for the education of the deaf mute and blind children of the negro race ;

H. 685. To refund license money to J. C. Baugham, of Tallapoosa county.

By Mr. Haralson, from local legislation, favorably,

H. 599. To repeal an act entitled an act "to prohibit stock from running at large in a portion of Dallas county," approved February 13, 1883, so far as the same applies to Dublin beat ;

Also, with amendment,

S. 431. To fix the times and places of holding the circuit courts in the various counties composing the ninth judicial circuit of the state of Alabama ;

Also, favorably,

s. 418. To authorize the mayor and councilmen of Troy, in Pike county, to erect and maintain, or otherwise provide a system of water works for the city of Troy, and issue bonds in payment thereof in an amount not exceeding fifty thousand dollars;

s. 426. To declare Oak Mill fish pond, in Lawrence county, an artificial pond;

ii. 719. To authorize an election in Bibb county, to ascertain whether a bridge across the Cahaba river, in said county, shall continue a toll bridge or be a free bridge;

s. 404. To relieve Mrs. Willie E. Lake, a minor, from the disabilities of non-age;

s. 394. To authorize the county of Clarke to borrow money and issue bonds for the purpose of building a court house for the use of said county at Grove Hill, or other place at which it may be determined to build said court house;

s. 415. To authorize Gadsden Lodge No. 236 A. F. and A. M., to issue bonds to build a Masonic temple in the city of Gadsden in this state.

By Mr. Smith of Mobile, from agriculture, favorably,

s. 395. To prevent stock from running at large in the several beats or districts in Marengo county, and to authorize an election thereon;

s. 367. To authorize hunting, catching and killing wild hogs in Morgan county, Alabama;

s. 368. To prevent fence breaking cattle from running at large;

s. 376.* To create a lien in favor of the owners or keepers of pastures in Dallas county for the payment of their charges for keeping and pasturing stock;

ii. 186. To amend sub-division 18 of section 137 of the code;

ii. 324. To incorporate the Fayette Alliance Union, at Fayette, Fayette county, Alabama;

ii. 450. To prevent hunting or fishing, entering upon or trespassing upon certain lands on the Black Warrior river in Greene county, in townships twenty and twenty-one, and ranges two and three east, after the owner or person in possession thereof shall have forbidden the same by notice posted on the lands, or by publication in a newspaper published in said county;

Also, with amendment,

s. 379. To prevent the spread of the disease commonly known as "glanders" among horses.

By Mr. Lackey, from municipal and county organizations.

s. 421. To change the corporate name of the Alabama Loan and Banking Company of Florence, Ala. ;

Also, with an amendment,

s. 345. To incorporate the Pan American Transportation Company, and to define its powers.

By Mr. Stansel, from internal improvements, favorably,

II. 498. To declare the true intent and meaning of an act, approved February 19th, 1889, and entitled an act to amend an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the state of Alabama.

Mr. Parks, from revision of laws, returned the house bill 366 which was recommitted to the committee on municipal and county organizations.

SPECIAL ORDER.

After the reports of committees, the senate proceeded to consider

THE SPECIAL ORDERS.

First.

The bill, *

s. 354. To better provide for the establishing and working the public roads in this state,

Was taken up.

Mr. Hargrove offered certain amendments, which were adopted, as follows, viz :

1st. Amend section 27 of printed bill by striking out two fifty in 9th line and inserting "one fifty ;"

Also,

By inserting at end of 10th line, section 2, "and apportioning of hands ;"

Also,

By striking out "overseer" in 14th line of 27th section of the printed bill, and inserting "road commissioner ;"

Also,

By striking out "one" and inserting "two" in 14th line, section 27.

Insert after "bridges" in 15th line, section 27, the words "and apportioning hands ;"

Add at end of 27th section these words, "the road overseer when requested by the road commissioner to do so shall give him all the assistance in his power, in apportioning hands ;"

Also,

In section 15, 3rd line, strike out "three days" and insert "one day."

Mr. Skeggs moved to strike out all after "districts" beginning with "but" in line 5, section 2.

Adopted.

Mr. Harris of Lee, moved to amend by striking out that part of section relating to consanguinity and affinity.

Mr. Hargrove offered as a substitute, to amend section 27, 16th line, by striking out "fifth" and insert "third."

Mr. Hargrove offered an amendment, which was adopted, as follows :

In line 8, section 12, strike out "fifth" and insert "third."

Mr. Harris of Lee offered certain amendments, which were adopted, as follows :

"In section 21, line 5, strike out 'three days,' and insert 'one day' "

Also, in section 21, line 1, strike out "fifty" and insert "forty-five."

The bill was read a third time and passed—yeas 17, nays 2.

Yeas—Mr. President, Berry, Bloch, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stansel, Steagall, Williams—17.

Messrs. Minge and Waddell voted no.

Second.

On motion of Mr. Hargrove (Mr. Parks presiding), the bill, s. 319. To establish a reformatory for boys under the age of seventeen years,

Was postponed and made a special order for to-morrow, after the reports of committees.

Third.

The bill,

s. 179. To provide for the distribution of the money received by the state of Alabama each year, in pursuance of the

act of congress, approved March 2nd, 1887, and known as the Hatch act, which is entitled "an act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2nd, 1862, and of the acts supplementary thereto."

Was taken up, and the consideration thereof continued until the afternoon session.

RESOLUTION.

By leave, Mr. Smith of Mobile offered a resolution, as follows:

Resolved, That during the rest of the session no bills shall be taken from the calendar out of their regular order, without unanimous consent of the senate.

The resolution was referred to the committee on rules.

RECESS.

At 1:30 o'clock p. m., the senate took a recess, till 4 o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at four o'clock p. m., a quorum present, and resumed consideration of

The bill,

s. 179. To provide for the distribution of the money received by the state of Alabama each year in pursuance of the act of congress, approved March 2, 1887, and known as the Hatch act, which is entitled an act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2d, 1862, and of the acts supplementary thereto;

And the adverse report was non-concurred in—yeas 10, nays 13.

Yeas—Mr. President, Berry, Godfrey, Handley, Harris of Lee, Lackey, Parks, Smith of Autauga, Stansel, Waddell—10.

Nays—Mr. Bradley, Bloch, Grant, Haralson, Hayes, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Mobile, Steagall, Williams—13.

The bill was read a third time and passed—yeas 13, nays 9.

Yeas—Mr. Bradley, Bloch, Grant, Haralson, Hayes, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Mobile, Steagall, Williams—13.

Nays—Mr. President, Berry, Godfrey, Handley, Harris of Lee, Lackey, Parks, Stansel, Waddell—9.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bills:

- ii. 128. To amend section 4301 of the code;
- ii. 158. To amend section 497 of the code;
- ii. 429. To change the name of Annie Rebecca Hamilton of Marengo county to that of Annie Rebecca Watts;
- ii. 488. To provide for a resurvey of the county line between the counties of Monroe and Conecuh;
- ii. 491. To prevent hogs from running at large in certain portions of Madison county;
- ii. 519. To incorporate the town of Fort Deposit, in the county of Lowndes;
- ii. 571. For the relief of the estate of James Hunter, deceased;
- ii. 615. To repeal an act entitled an act to authorize the tax collector of Marion county to collect the unpaid taxes for the years 1880, 1881, 1882, 1883, and to pay the same to J. R. Hughes, late tax collector of said county, for the purpose of reimbursing the said J. R. Hughes for money paid the state and county on account of said taxes, approved February 28, 1887;
- ii. 698. To provide for the election of a board of four commissioners to be known as the commissioners court of Macon county, at the general election in August, 1892;
- ii. 701. To cure irregularities in the issuance of claims against the fine and forfeiture fund of Marshall county, and to further regulate said fund;
- ii. 755. To refund to L. G. Cooper the sum of twenty dollars, being the purchase-money for certain land heretofore erroneously sold him by the state;
- ii. 829. To amend an act entitled an act to define and prescribe a lawful fence in certain portions of the county of Madison, approved February 28th, 1889;

H. 276. To confirm the charter of the Birmingham Building and Loan association, to define and declare the powers, to provide for the increase of the capital stock, and to extend the time within which said association shall continue to exist as a corporation ;

H. 846. To provide for the disposition of certain swamp and overflowed lands, and swamp and overflowed indemnity lands, belonging to the state, and to provide for the appropriation of the moneys arising therefrom :

H. 270. To authorize the purchasers of a street railroad at a judicial sale, or other sale by authority of law, to organize as a corporation ;

H. 152. To incorporate the Alabama Northern Railway company, and to further the construction of the same.

The house has, by unanimous consent, reconsidered the vote by which it concurred in the senate amendment to

H. 87. To amend section 2 and paragraphs 5, 7, 9, 10 and 13, and section 4 and sections 9 and 10 of an act entitled an act to provide for a charter for the city of Jasper, in Walker county, Alabama, approved February 6th, 1889 ;

And non-concurs in said senate amendment ;

And has concurred in the senate amendments to

H. 381. To incorporate the city of Ozark in the county of Dale ;

Also,

H. 612. To amend section 4641 of the code ;

Also,

H. 340. To amend section 4592 of the code ;

And has originated and passed and ordered to the senate without engrossment ;

H. 703. To locate permanently the seat of justice of the county of Morgan.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills set out in the foregoing house message were severally read a first time and referred to appropriate committees as follows :

H. 703, 488, 519, 276, 152, to municipal and county organizations ;

H. 128, to judiciary ;

- n. 158, 615, 755, to finance ;
- n. 429, 571, 698, 701, to local legislation ;
- n. 491, 829, to agriculture ;
- n. 846, 270, to internal improvements.

The senate insisted on its amendments to house bill 78 and asked a committee of conference thereon ;

Committee on part of the senate, Messrs. Milner, Skeggs and Haralson.

BILLS ON THIRD READING.

The bill,

n. 508. To amend sections 1, 5, 8 and 13 of an act to regulate the practice and proceedings in civil cases in the circuit court of Jefferson county in this state, and in supreme court on appeal from judgments rendered in said cases, approved February 28th, 1889.

Was read a third time and passed—yeas 21, nays 1.

Yeas—Mr. President, Bradley, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Williams—21.

Mr. Stansel voted no.

The bill,

n. 372. To amend the caption and sections one (1) and eight (8) of an act entitled an act to prevent horses, mules, asses, cows, hogs, sheep and goats from running uncontrolled on crops in beat No. five and in beat No. eight in Butler county, and to prescribe a rule of damages and rules of protection in the trial of cases under the act, approved February 18th, 1889.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Grant, Godfrey, Handley, Harris of Lee, Hayes, Lackey, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—18.

The bill,

s. 355. To authorize and require the commissioners court of Jefferson county, Alabama, to pay to the judge of the tenth judicial circuit of Alabama \$75.00 per week for every week court is held by him in the said circuit in excess of thirty-two weeks in any one year.

Was taken up.

Mr. Milner offered an amendment which was adopted as follows :

In the first section of the bill strike out \$75 per week and insert \$500 annually and strike out the last clause of the second section after the word "Alabama."

Mr. Milner moved to amend the caption so as to make it read as follows :

To authorize and require the commissioners court of Jefferson county, Alabama, to pay to the judge of the tenth judicial circuit of Alabama \$500 annually.

Adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parks, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

ii. 273. To amend section one of an act protecting game animals and birds in the counties of Hale and Cullman and Greene, so far as the same applies to Hale county, approved February 27, 1889,

Was taken up.

The substitute was adopted.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—21.

MESSAGE FROM THE HOUSE.

Mr. President :

The house accedes to the request of the senate for committee of conference on the disagreement of the two houses as to

ii. 87. To amend section 2 and paragraphs 5, 7, 9, 10 and 13 and sections 4 and sections 9 and 10 of an act entitled an act to provide for a charter for the city of Jasper, in Walker county, Alabama, approved February 6, 1889.

Committee on part of the house, Messrs. Long, Smith of Russell, and Foster.

BENJ. F. ELMORE,
Clerk.

The senate resumed consideration of

BILLS ON THIRD READING.

The bill,

s. 365. To amend sections three and six and repeal sections four and five of an act entitled an act to regulate the state witnesses fees in Hale county, Alabama, and to provide for the payment of the same,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

s. 357. To amend section 3217 of the code of Alabama, so far as the same relates to Jefferson county,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—19.

The bill,

II. 369. To provide for elections in Jasper beat, Horse Creek beat, Day's gap beat and Carbon Hill Town in Walker county, Alabama, to determine whether or not the selling, giving away, or otherwise disposing of spirituous, vinous or malt liquors in the incorporated towns now in said beats shall be prohibited.

Was taken up.

Mr. Milner offered as a substitute for the pending amendment the following :

Strike out "Horse Creek beat," where it occurs in caption and body of the bill.

The proposed substitute was adopted, and the amendment as amended, was adopted.

The bill was read a third time—yeas 14, nays 6.

Yeas—Mr. Berry, Bloch, Grant, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—14

Nays—Messrs. President, Bradley, Godfrey, Handley, Harris of Lee, Parks—6.

RESOLUTION.

By leave Mr. Parks offered a resolution which was adopted as follows :

Resolved by the senate, the house concurring, That the governor be requested to return to the senate H. 173.

LEAVE OF ABSENCE.

Mr. Stallworth was granted a leave of absence for one day.

ADJOURNMENT.

At 6 p. m. the senate adjourned.

THIRTY-EIGHTH DAY.

TUESDAY, Feb. 3d, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Thompson of the city.

Present—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Smith Reynolds, Skeggs, Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—27.

The journal of yesterday was approved without being read.

CALL OF DISTRICTS.

Bills were introduced and read a first time and referred to appropriate committees as follows :

By Mr. Skeggs—

s. 450. To incorporate the Savings, Loan and Trust company of New Decatur, Alabama;
Municipal and county organizations.

By Mr. Milner—

s. 451. To amend an act to amend section 677 of the code of Alabama, approved February 28, 1889;
Judiciary.

Also,

s. 452. To amend section 1 of an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors in all places in Jefferson, Walker, Talladega, Autauga and Fayette counties, except in incorporated towns or cities having police regulations, approved February 16th, 1889 ;

Temperance.

Mr. Smith of Mobile—

s. 453. To confirm the incorporation and organization of the Hunter, Benn and Co. Company and to define and declare the powers of said company ;

Municipal and county organizations.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Harris of Hale for two days on account of sickness.

QUESTION OF PRIVILEGE.

Mr. Milner arose to a question of privilege, and moved to reconsider the vote by which the senate passed the bill :

n. 369. To provide for elections in Jasper beat, Horse Creek beat, Day's Gap beat and Carbon Hill town, Walker county, Alabama, to determine whether or not, the selling, giving away, or otherwise disposing of vinous, malt or spirituous liquors, in the incorporated towns now in said beats, shall be prohibited.

The motion to reconsider prevailed.

Mr. Milner moved to reconsider the vote by which the senate ordered said bill to a third reading.

Carried.

Mr. Milner offered an amendment, which was adopted.

The bill was then read a third time and passed—yeas 18, nays 4.

Yeas—Mr. Bradley, Berry, Downey, Haralson, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

Nays—Mr. President, Grant, Harris of Hale and Inzer.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time, as follows:

By Mr. Inzer, from the judiciary, favorably,

s. 434. To amend section 2905 of the code;

s. 382. For the relief of persons who have paid for and taken out a liquor license for the year 1891, improperly;

Also, with amendment,

s. 108. To amend sections 2567 and 3338 of the code of Alabama.

By Mr. Parks, from revision of laws, favorably,

s. 448. To create a lien in favor of hotel keepers;

s. 423. To fix the time of holding the circuit courts in the counties of Randolph and Bibb in the fifth judicial circuit of the state of Alabama;

s. 446. To amend section two of "an act entitled an act to amend the charter of the Stonewall Insurance Company of Mobile, and extend the provisions thereof," approved February 17, 1885;

s. 401. For the relief of the estate of James Hunter, deceased.

By Mr. Haralson, from local legislation, favorably.

h. 701. To cure irregularities in the issuance of claims against the fine and forfeiture fund of Marshall county, and to further regulate said fund.

By Mr. Lackey, from municipal and county organizations, favorably,

s. 285. To incorporate the Anniston Banking and Loan Company, of Anniston, Alabama;

s. 447. To incorporate the Louise Short Baptist Widows and Orphans Home;

s. 441. To amend and enlarge the charter of the Florence Loan and Trust Company, incorporated under the general laws of the state of Alabama;

h. 706. To locate permanently the seat of justice of the county of Morgan;

h. 669. To incorporate the Auburn Baptist church of Auburn, Lee county, Alabama;

h. 488. To provide for a resurvey of the county line between the counties of Monroe and Conecuh;

h. 152. To incorporate the Alabama Northern Railway Company, and to further the construction of the same.

By Mr. Godfrey, from penitentiary, favorably,

H. 275. To repeal an act entitled an act relating to the working of male convicts sentenced to hard labor for the county of Jefferson, upon the public roads of said county.

REPORT FROM FINANCE COMMITTEE.

Mr. Handley, from the committee on finance, submitted the following resolution, and, on behalf of said committee, recommended its adoption, viz :

Resolved by the senate, the house concurring, that in the opinion of the general assembly it is the governor's duty as ex-officio debt commissioner, to issue the "class B" bonds, as provided in the debt settlement act, to close up the account with the South and North Alabama Railroad Company, the details of which are more fully stated in his special message to the general assembly, on the 31st January.

The resolution was adopted.

REPORT OF CONFERENCE COMMITTEE

Mr. Skeggs, from a committee of conference, submitted the following report, viz :

Mr. President:

Your committee of conference on the disagreement of the two houses on,

H. 87. To be entitled an act to amend section 2 and paragraphs 5, 7, 9, 10 and 13 and section 4 and sections 9 and 10, of an act entitled "an act to provide for" a charter for the city of Jasper, in Walker county, Alabama, approved February 6th, 1889,

Have had the same under consideration and beg to report, "as follows :—" And your committee suggest the following as a substitute for the senate amendments :

Amend by striking out in section 3 the words, "3 months," and inserting the words "30 days ;" amend section 4 (26 line on 3rd page of bill) by striking out the words "3 months" and inserting the words "30 days ;" amend section 4 by inserting the words "by any person" after the word "identified" (in the 20th line of the third page, of engrossed bill), also amend by adding to the latter part of section 2 the following: "and should the office of mayor become vacant by death, resignation, or from any other cause then it shall be the duty of the board

of aldermen, to elect a properly qualified citizen of the city of Jasper, who may hold the office of mayor with full powers thereto, until the next annual election;" and amend the title or caption of the bill by striking out the word "thirteen." Your committee recommend the adoption of said substitute, all of which is respectfully submitted.

JOHN T. MILNER,
WM. E. SKEGGS,
W. W. HARALSON,

Committee on part of the senate.

J. V. SMITH,
T. L. LONG,
J. M. FOSTER,

Committee on part of the house.

The report of the conference committee was concurred in.
Yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Laekey, Milner, Minge, Nesmith, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The senate proceeded to consider

THE SPECIAL ORDER.

The bill,

s. 319. To establish a reformatory for boys under the age of seventeen years,

Was taken up and the pending amendment was adopted as follows:

After the words "17 years," in the 9th section of the bill, add the words, "and is a fit subject for such reformatory."

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Laekey, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

Messrs. Milner and Wiley voted no.

REQUESTS TO RETURN BILLS.

Mr. Parker moved that the house be requested to return senate bill 179.

Mr. Minge moved to lay the motion on the table.

Lost.

The motion prevailed.

On motion of Mr. Stallworth the house was requested to return house bill 372.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has adopted the resolution herewith sent relative to requesting the governor to return house bill 273 $\frac{1}{2}$;

And has adopted the senate joint resolution relative to requesting the governor to return H. 173 to the senate ;

And has concurred in the senate amendments to

H. 369. To provide for elections in Jasper beat, Horse Creek beat, Day's Gap beat and Carbon Hill town, Walker county, Alabama, to determine whether or not the selling, giving away or otherwise disposing of vinous, malt or spirituous liquors in the incorporated towns now in said beats shall be prohibited ;

And has concurred in the senate amendment to

H. 273. To amend section 1 of an act protecting game animals and birds in the counties of Hale and Cullman and Greene, so far as the same applies to Hale county, approved February 27, 1889 ;

And has passed the bills :

s. 246. To authorize the mayor and aldermen of the city of Huntsville to issue certain negotiable bonds to an amount not exceeding twenty thousand dollars ;

s. 47. To prevent trespass on state lands ;

s. 245. To amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved February 28th, 1889 ;

s. 52. To regulate the admission of patients in the Alabama Insane Hospital ;

And has concurred in the report of the conference committee on

H. 87. To amend sections 2 and paragraphs 5, 7, 9 and 10 and section 4 and sections 9 and 10 of an act entitled an act to provide for a charter for the city of Jasper in Walker county, Alabama, approved February 6th, 1889 ;

And accedes to the request of the senate for the return to the senate of s. 179 and H. 372 ;

And has passed the bill,
s. 247. To incorporate the Cotton States Telephone and
Telegraph Company.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The senate concurred in the house joint resolution, request-
ing the governor to return the house bill 273½.

QUESTIONS OF PRIVILEGE.

Mr. Parker rose to a question of privilege and moved to re-
consider the vote by which the senate passed

The bill,

s. 179. To provide for the distribution of the money re-
ceived by the state of Alabama each year in pursuance of the
act of Congress, approved March 2, 1887, and known as the
Hatch act, which is entitled an act to establish agricultural
experiment stations in connection with the colleges established
in the several states under the provisions of an act approved
July 2d, 1862, and of the acts supplementary thereto;

Mr. Skeggs moved to lay the motion to reconsider on the
table;

Carried.

Yeas 13, nays 12.

Yeas—Mr. Bradley, Bloch, Cowan, Haralson, Hayes, Milner,
Minge, Reynolds, Skeggs, Smith of Mobile, Steagall, Wiley,
Williams—13.

Nays—Mr. President, Berry, Godfrey, Handley, Harris of
Lee, Inzer, Lackey, Parker, Parks, Smith of Antauga, Stall-
worth, Stansel—12.

Mr. Stallworth moved to reconsider the vote by which the
senate passed

The bill,

ii. 372. To amend the caption and sections one (1) and
eight (8) of an act entitled an act to prevent horses, mules,
asses, cows, hogs, sheep and goats from running uncontrolled
on crops in beat No. 5 and beat No. 8 in Butler county, and
to prescribe a rule of damages and rules of protection in the
trial of cases under this act, approved February 18, 1889.

The motion to reconsider prevailed.

Mr. Stallworth moved to reconsider the vote by which the bill was ordered to a third reading.

The motion to reconsider prevailed.

Mr. Stallworth offered an amendment which was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Downey, Grant, Godfrey, Handly, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagal, Wiley, Williams—18.

BILLS ON THIRD READING.

The bill.

H. 109. To establish a new charter for the town of Pratt Mines, in Jefferson county.

Was taken up.

Mr. Milner offered certain amendments, which were severally read and adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel—20.

The bill.

H. 82. To preserve order at the Corn House Camp Ground, in the county of Randolph, Alabama, and Bayne's Chapel Camp Ground, Lamar county, Alabama,

Was taken up.

Mr. Bradley moved to strike out Bayne's from caption and body of bill and insert "Payne's;"

Carried.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Downey, Grant, Godfrey, Hayes, Inzer, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley, Williams—18.

The bill.

s. 244. To make additional provisions to the laws regulating the practice of medicine in this state,

Was taken up and the pending amendment adopted as follows:

Amend by adding at the end of section 1 of the bill the following: *Provided*, that whenever an application for license

to practice medicine is made by an applicant who belongs to the electric or to the homeopathic system or school of medicine, the applicant shall be examined if practicable by the members of the association, who also belong to the respective schools of medicine of which the applicant is a member or has been a student.

Mr. Bloch offered two amendments, which, on motion of Mr. Wiley, were laid on the table.

Mr. Bloch offered an amendment.

Lost.

Mr. Smith of Mobile offered an amendment, which, on motion of Mr. Wiley, was laid on the table.

The amendment laid on the table is as follows:

Amend by adding the following: "Provided, that the provisions of this act shall not apply to those practicing medicine at the passage of this act."

On motion of Mr. Wiley, the proposed amendment was laid on the table—yeas 20, nays 7.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Stallworth, Stansel, Steagall, Wiley—20.

Nays—Mr. Bloch, Harris of Lee, Milner, Reynolds, Smith of Autauga, Smith of Mobile, Williams—7.

The bill was read a third time and passed—yeas 21, nays 1.

Yeas—Mr. President, Berry, Downey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Wiley, Williams—21.

Mr. Smith of Mobile voted no.

The bill,

ii. 692. For the relief of Burwell Y. Burns, of Choctaw county, Alabama,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

On motion of Mr. Stansel, the bill

s. 189. To amend and declare the true intent and meaning of an act approved February 19th, 1889, and entitled an act to amend an act entitled an act to release the Tennessee and

Coosa Railroad Company from its indebtedness to the state of Alabama,

Was laid on the table and the house bill 498 substituted therefor.

On motion of Mr. Haralson, the house bill 498 was postponed and made the special order for to-morrow at 12 o'clock.

The bill,

ii. 259. To amend section 141 of the code.

Was taken up.

Mr. Smith of Mobile offered two amendments, which were adopted, as follows:

Add to section one before proviso:

(1). Provided, that the provisions of this act shall apply to all fertilizers offered for sale in this state, including cotton seed meal and cotton seed hull ashes.

(2). Strike out "five" in line 8 of the bill.

The bill was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

The bill,

ii. 219. To authorize the commissioners court of Russell and Shelby counties to lay off said counties into four commissioners districts, and to provide the manner of electing the county commissioners,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, February 3, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing, with accompanying documents.

J. K. JACKSON,

Private Secretary.

The message from the governor was read, as follows:

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, Feb. 3, 1891.

To the Senate:

In compliance with joint resolution certified to me this day,
I herewith return house bill 173.

THOS. G. JONES,
Governor.

On motion of Mr. Parks, by unanimous consent, the votes by which the house bill 173 was passed and engrossed, and ordered to a third reading, were severally reconsidered.

Mr. Parks offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—24.

RECESS.

At 1:30 p. m., the senate took a recess until four p. m.

AFTERNOON SESSION.

The senate re-assembled at 4 p. m., a quorum present.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled:

s. 246. To authorize the mayor and aldermen of the city of Huntsville, to issue certain negotiable bonds to an amount not exceeding twenty thousand dollars;

s. 47. To prevent trespass on state lands;

s. 245. To amend an act entitled an act to incorporate the city of Fort Payne, DeKalb county, Alabama, approved February 28th, 1889;

s. 208. To fix the number of representatives in the house of representatives of the general assembly of this state, and to apportion them among the several counties of the state;

s. 271. To fix the times and places of holding the chancery courts in the southwestern chancery division of the state of Alabama;

s. 209. To provide for senatorial representation in the general assembly of Alabama;

s. 52. To regulate the admission of patients in the Alabama Insane Hospital.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested :

H. 340. To amend section 4592 of the code ;

H. 612. To amend section 4641 of the code ;

H. 467. To prohibit the selling, giving away, or disposing of spirituous, vinous or malt liquors, or of alcoholic bitters, cordials or beverages of any kind in Sumter county ;

H. 381. To incorporate the city of Ozark, in the county of Dale.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills the titles of which are set out in the foregoing house message, and report of committee on enrolled bills.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bill :

H. 61. To regulate the election of municipal officers in the city of Montgomery.

Has originated and passed and ordered to the senate without engrossment the following bill :

II. 531. To ratify and confirm the organization of the Birmingham and Atlantic Railroad Company, and to confirm and amend the charter thereof.

And has also originated and passed the following bills :

II. 148. To amend an act to establish the city court of Aniston, approved February 25, 1889, by amending certain sections thereof;

II. 504. To regulate the apportionment of the school fund in this state by the superintendent of education ;

II. 538. To appropriate the sum of fifteen thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof ;

II. 766. To incorporate the Southern Literary Society ;

II. 859. To provide liens for mechanics and materialmen ;

II. 256. To amend section one of an act to prohibit the sale, giving away of spirituous or vinous liquors within one mile of Spring Hill church, in Pike county, Alabama, approved Feb. 25th, 1875 ;

II. 461. To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt, liquors, or other intoxicating drinks within three miles of the Methodist church or school house, at Olney, Pickens county, Alabama ;

II. 463. To regulate the fine and forfeiture fund of of Pike county ;

II. 596. To legalize the marriage of William H. Bottom and Mary C. Bottom, the widow of John Bottom, deceased ;

II. 823. To amend sections 4 and 6 of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections therein.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once and referred to appropriate committees as follows :

II. 148, 396, 61, to judiciary ;

II. 538 to finance ;

- II. 504, to education ;
- II. 823, to agriculture ;
- II. 766, to municipal and county organizations ;
- II. 859, to revision of laws ;
- II. 256, 461, to temperance ;
- II. 463, to local legislation ;
- II. 531, to internal improvements.

BILLS ON THIRD READING.

The bill,

II. 642. To prescribe the time when taxes shall become delinquent in the county of Chambers,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

II. 370. To authorize the mayor and city council of Aniston to issue bonds of said city for an amount not exceeding fifty thousand dollars for the purpose of purchasing land and erecting and equipping school buildings thereon,

Was read a third time and passed—yeas 21, nays 0.

Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams.—21.

The bill,

II. 217. To authorize the laying off the county of Pike into commissioners districts and providing for the election of commissioners by the qualified voters of the county,

Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams.—23.

The bill,

II. 137. To provide for the teaching in the public schools of physiology and hygiene with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—21.

The bill,

s. 349. To regulate and define the salaries of teachers in the public schools of the state of Alabama,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Downey, Godfrey, Handley, Haralson, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagal—19.

The bill,

s. 350. To provide for the adoption of a uniform series of text books for use in the public schools of Morgan county, Alabama,

Was read a third time and passed—yeas 19, nays 1.

Yeas—Mr. President, Bradley, Berry, Downey, Godfrey, Handley, Harris of Lee, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall—19.

Mr. Stallworth voted no.

The bill,

s. 352. To amend section 2 of an act entitled an act to provide for the holding of a term of the circuit court of the fifth judicial circuit at Alexander City, in the county of Tallapoosa, and to regulate the same, passed February 15th, 1889, so as to increase the jurisdiction thereof,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

s. 370. To provide for the trial of misdemeanors in Winston county,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—25.

The bill,

s. 361. To require justices of the peace to try cases under their jurisdiction,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

s. 369. To require the county treasurer of Winston county to register all claims against the county which have not heretofore been registered as required by law,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—20.

The bill,

s. 312. To amend section 4057 of the code of Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Williams—20.

The bill,

II. 258. For the relief of M. A. Jennings, of Shelby county,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

s. 313. To amend section 4033 of the code of Alabama,

Was, on motion of Mr. Nesmith, laid on the table.

The bill,

s. 315. To amend an act entitled an act to amend section 4038 of the code of Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godsey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Nesmith, Parker, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

s. 200. To amend section 1 of an act entitled an act for the protection of oyster culture in the state of Alabama,

Was taken up.

Mr. Smith of Mobile offered an amendment to the substitute to insert an additional section to be numbered 24, and to number the remaining sections consecutively ;

Adopted.

Mr. Williams offered an amendment to the pending substitute.

ADJOURNMENT.

Pending its consideration at six o'clock p. m., the senate adjourned.

THIRTY-NINTH DAY.

WEDNESDAY, February 4, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Thompson of the city.

Present—Mr. President, Bradley, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—21.

The journal of yesterday was approved without being read.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows :

By Mr. Berry—

s. 454. To authorize the mayor and council of Dadeville to issue bonds of said city, for an amount not exceeding five thousand dollars for the purpose of purchasing a lot in said city and erecting and improving school buildings thereon ;

Education.

By Mr. Inzer—

s. 455. To create a separate school district in the county

of St. Clair, to be called Cook's Springs public school district and to define the boundaries thereof ;

Education.

Mr. Smith of Autauga—

s. 456. To increase the fees of justices of the peace and notaries public who have jurisdiction of justices of the peace in the county of Autauga ;

Revision of laws.

Mr. Williams—

s. 457. To amend section 4069 of the code of Alabama ;

Revision of laws.

By Mr. Inzer—

s. 458. To authorize railroad companies chartered under the laws of the state of Alabama, whose capital stock is owned by a railroad corporation charter under the laws of another state to sell to such corporation owning its stock all of its property, road bed, rights and franchises ;

Judiciary.

By Mr. Hundley—

s. 459. To provide for the collection, arrangement and display of the products of the state of Alabama at the World's Columbian Exposition of 1893, and to make an appropriation therefor ;

Financial.

By Mr. Hargrove, (Mr. Grant presiding)—

s. 460. To better provide for the protection of the health and the promotion of the well-being of prisoners in jail ;

Penitentiary.

Mr. Smith of Mobile—

s. 461. To ratify the consolidation of the Mobile and Mississippi River Railroad Company with the Mississippi River and Mexican Gulf Railroad Company under the name of the Mobile, Wesson and Mississippi River Railroad Company ;

Municipal and county organizations.

Mr. Godfrey—

s. 462. For the better protection of the capital grounds and for the preservation of order therein ;

Mr. Hargrove—

s. 463. To prohibit justices of the peace and notaries public, with the jurisdiction of justices of the peace, from sentencing defendants to hard labor for costs ;

Revision of laws.

REPORT OF SPECIAL JOINT COMMITTEE.

Mr. Godfrey, from a special joint committee reported favorably,

s. 132. To fix the time and place of holding circuit court in Geneva, Coffee and Dale counties.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—23.

REQUEST TO RETURN BILL.

On motion of Mr. Stallworth, the house was requested to return house bill 259.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time as follows :

By Mr. Stansel, from the judiciary, favorably,

ii. 165. For the relief of James P. Steely, Mary Steely, Roland Wood and Elizabeth Russell, of Jackson county.

By Mr. Handley, from finance, a substitute for,

s. 251. To provide for the election by the general assembly of Alabama, of a chaplain for both houses of the legislature;

Also, favorably,

s. 416. For the relief of A. M. Powell, sheriff of Elmore county;

s. 444. To refund to Robert McKee certain moneys paid by him into the state treasury;

ii. 158. To amend section 497 of the the code;

ii. 614. To repeal an act entitled an act to authorize the tax collector of Marion county to collect the unpaid taxes for the years 1880, 1881, 1882, 1883, and to pay the same to J. R. Hughes, late tax collector of said county, for the purpose of reimbursing the said J. R. Hughes, for money paid the state and county on account of said taxes, approved February 28, 1887;

ii. 752. To refund to L. G. Cooper the sum of twenty dol-

lars being purchase money for certain land heretofore erroneously sold him by the state ;

By Mr. Haralson, from local legislation, favorably .

s. 408. For the relief of Jack R. Wilson, ex-probate judge of Clarke county, Alabama ;

s. 436. To repeal an act to amend section 1544 of the code of Alabama, so far as the same relates to the counties of Blount, Cullman, Cleburne, Washington, Coosa, Autauga, St. Clair, Elmore, Marshall, Dale and Chilton, approved on the 1st of March, 1881, so far the same relates to the city of Wetumpka, Elmore county, Alabama ;

s. 429. To amend an act entitled an act to regulate the Mobile Harbor, approved February 28th, 1889 ;

s. 438. To amend an act approved February 17, 1885, entitled an act to amend sections one and two of an act to define the corporate limits of the city of Wetumpka, approved February 23, 1883 ;

s. 420. To authorize the mayor and councilmen of Troy to issue bonds of said city for an amount not exceeding \$25,000.00 for the purpose of erecting and improving school and other public buildings ;

s. 418. To authorize the mayor and councilmen of Troy, in Pike county, to erect and maintain or otherwise provide a system of water works for the city of Troy and issue bonds in payment thereof in an amount not exceeding fifty thousand dollars ;

Also, with amendment,

s. 428. Concerning the organization and perpetuity of a voluntary association to be known as The Order of Columbia, a secret society, having a secret ritual, and laws governing the same ;

Also, favorably,

II. 323. For the relief of Benjamin B. Ballard, a citizen of Covington county ;

II. 698. To provide for the election of a board of four commissioners to be known as the commissioners court of Macon county, at the general election in August 1892 ;

II. 571. For the relief of the estate of James Hunter, deceased ;

II. 429. To change the name of Annie Rebecca Hamilton, of Marengo county, to that of Annie Rebecca Watts ;

Also, with amendment,

II. 160. To allow the sheriffs of Franklin and Jackson counties more time to summons jurors.

By Mr. Milner, from internal improvements, favorably with amendment,

s. 445. To loan and appropriate the town and three per cent. fund now in the treasury.

By Mr. Smith of Mobile, from agriculture, favorably,

s. 432. To regulate the mooring of vessels in and to prevent unnecessary obstruction to the navigation of Mobile river, north of the city of Mobile.

By Mr. Harris of Lee, from temperance, favorably,

ii. 302. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous, or malt liquors or intoxicating bitters at or within certain localities in this state, approved February 28th, 1881, so far as the same relates to the corporate limits of the town of Muscadine, in Cleburne county on the Georgia Pacific Railroad;

ii. 490. To prohibit the selling, bartering, exchanging or giving away of spirituous, vinous or malt liquors, intoxicating bitters or beverages in Mitchell beat, number one, Lauderdale county, Alabama.

By Mr. Hayes, from public buildings, favorably,

ii. 402. To make repairs on the capitol building, for furniture in the public rooms, and for work on the capitol grounds;

s. 276. To procure and preserve the likenesses of distinguished and worthy citizens at the capitol and to create a commission for that purpose.

UNFINISHED BUSINESS.

The senate proceeded to consider the bill,

s. 200. To amend section 1 of an act entitled an act for the protection of oyster culture in the state of Alabama;

And the pending amendment offered by Mr. Williams, to the pending substitute was adopted, as follows:

Strike out "two" in line 4, section 10 and insert "five."

Mr. Hayes moved to reconsider the vote by which the last amendment was adopted.

Carried.

On motion of Mr. Handley the amendment was laid on the table.

Mr. Handley moved to strike out two and insert twenty-five in section 10, line 4 and in section 13, line 5.

Adopted.

The substitute was adopted, with caption, as follows:

s. 200. To regulate the planting and taking of oysters, in the waters of this state.

The bill was read a third time and passed—yeas 23; nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

MESSAGE FROM THE HOUSE.

Mr. President:

Complying with the request of the senate, I herewith return.

H. 259. To amend section 141 of the code.

The house reconsidered the vote by which it concurred in the senate amendment to

H. 369. To provide for elections in Jasper beat, Horse Creek beat, Day's Gap beat and Corbon Hill town, Walker county, Alabama, to determine whether or not the selling, giving away or otherwise disposing of spirituous, vinous or malt liquors in the incorporated towns now in said beats shall be prohibited;

And non-concurs in the senate amendment thereto;

And has amended and as amended has passed

s. 174. To create a new charter for the town of Jacksonville, Alabama;

And has passed

s. 163. To authorize and empower the governor of Alabama to issue a patent to the heirs of John Henderson, deceased, to the north-west fourth of the north-east fourth, and the north-east fourth of the north-west fourth of section 16, township 18 of range 5, east, in Talladega county;

s. 341. To relieve Helen E. Lewis of Hale county of the disabilities of non-age;

s. 78. To provide for bells at public ferries in Wilcox county;

s. 187. To define a lawful wire fence in Wilcox and Sumter counties;

s. 33. To incorporate the Alabama Methodist Orphanage;

s. 224. To require the commissioners court of Sumter county to appropriate money from the general fund of the county from which to pay the claims against the fine and forfeiture fund of said county and to provide the manner of such payment;

s. 303. To incorporate the "Black Warrior Railroad Company," and to further the construction of a railroad;

And has amended as therein shown, and as amended has passed the following bills:

s. 25. To require railroad companies to provide suitable water closets on passenger cars or coaches;

s. 42. To amend section 3403 of the code;

s. 53. In relation to the admission of insane criminals into the Alabama Insane Hospital;

s. 40. To authorize and allow execution to be issued on any judgment which has been, or may hereafter be properly registered in the office of the judge of probate;

s. 57. To create a board for the equalization of tax assessments on property within the city of Montgomery;

And has originated and passed the following bills:

II. 559. To ratify and confirm the agreement of consolidation made by and between the Jefferson Iron Company and the Irondale Company of Jefferson county;

II. 712. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating beverages except for medical or church purposes in beat No. 5 in Winston county, Alabama;

II. 686. To amend an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within one-half mile of the City Mission Church, and the Corinthian Baptist Church, in Mobile county, and other places named therein and known as the Omnibus liquor bill, approved December 10, 1890;

II. 226. To amend an act in relation to the trial of misdemeanors in Tuskaloosa and other counties therein named, in so far as the same relates to Tuskaloosa county;

II. 210. To receive and appropriate the moneys granted to the state of Alabama by act of congress, approved August 30th, 1890, entitled an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, &c., and for other purposes;

II. 359. To amend section 5 of an act entitled an act to regulate the holding of the circuit court of Henry county, approved February 17th, 1885;

II. 628. To authorize the mayor and aldermen of the city of Girard to establish a system of public schools in said city;

II. 633. To regulate the convict system of Alabama;

II. 649. To refund to Wm. Mastin of Elmore county thirty-one and seventy-five and one hundredths dollars wrongfully paid by him as taxes to the state;

II. 660. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within three miles of Adoniran Church, in beat 5, Henry county, Alabama;

II. 773. To authorize and empower the board of mayor and aldermen of the city of Tuskaloosa to issue bonds of said city, not to exceed thirty-three thousand dollars, for the purpose of taking up and refunding all outstanding bonds of said city, upon which eight per cent. per annum is being paid as interest at the present time;

II. 802. To incorporate the Montgomery Manufacturers Aid and Improvement Company;

II. 860. For the relief of Wm. B. Morgan and Glenn Scroggins of Jefferson county;

II. 913. To regulate the trial of misdemeanors in Shelby county, Alabama;

And has concurred in the senate amendment to the bill:

II. 372. To amend the caption and sections one (1) and eight (8) of an act entitled an act to prevent horses, mules, asses, cows, hogs, sheep and goats from running uncontrolled on crops in beat No. 5 and beat No. 8, in Butler county, etc., approved February 18th, 1889.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once and referred to appropriate committees as follows:

- II. 559, to internal improvements;
- II. 712, 686, 660, to temperance;
- II. 210, 628, to education;
- II. 226, 773, 913, to revision of laws;
- II. 359, 802, to judiciary;
- II. 633, to penitentiary;
- II. 860, 649, to finance.

The senate insisted on its amendment to house bill 369 in the foregoing house message and requested a committee of conference thereon.

The president appointed as the committee on the part of the senate Messrs. Milner, Skeggs and Haralson.

The senate concurred in the house amendment to senate bill 174 set out in the foregoing house message ;

Yeas 22 nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—22.

The senate non-concurred in the house amendment to senate bill 25 set out in the foregoing house message.

The senate concurred in the house amendment to senate bill 42 set out in the foregoing house message ;

Yeas 24, nays 0.

Yeas—Mr. President, Bradley, Bloch, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The senate concurred in the house amendment to senate bill 53 set out in the foregoing house message ;

Yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—24.

The senate concurred in the house amendment to senate bill 40 set out in the foregoing house message ;

Yeas 22, nays 0.

Yeas—Mr. President, Berry, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—22.

The senate concurred in the house amendment to senate bill 57 as set out in the foregoing house message ;

Yeas 22, nays 0.

Yeas—Mr. President, Berry, Downey, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

PRIVILEGE QUESTION.

Mr. Stallworth rose to a question of privilege and moved to reconsider the vote by which the bill

n. 259. To amend section 141 of the code

Was passed;

Carried.

Mr. Stallworth moved to reconsider the vote by which the bill was ordered to a third reading;

Carried.

Mr. Stallworth then moved to reconsider the vote by which the first amendment offered by Mr. Smith of Mobile was adopted;

Carried.

Mr. Wiley moved to table the amendment;

Adopted.

Yeas—Mr. President, Grant, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Wiley—16.

Nays—Mr. Berry, Downey, Godfrey, Harris of Lee, Hayes, Minge, Smith of Mobile, Williams—8.

On motion of Mr. Stallworth the vote by which the second amendment was adopted was reconsidered.

By leave Mr. Smith of Mobile withdrew the second amendment.

Mr. Wiley offered the following amendment: Strike out "twenty-five" and insert "fifteen."

Mr. Smith moved to table the amendment;

Lost.

Yeas—Mr. Bradley, Grant, Godfrey, Haralson, Hayes, Milner, Skeggs, Smith of Autauga, Smith of Mobile, Williams—10.

Nays—Mr. President, Bloch, Downey, Handley, Harris of Hale, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Parks, Stallworth, Stansel, Steagall, Waddell, Williams—17.

The amendment was adopted.

The bill was read a third time and passed—yeas 22, nays 1.

Yeas—Mr. President, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Stallworth, Stansel, Steagall, Wiley, Williams—22.

Mr. Smith of Mobile voted no.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,

MONTGOMERY, February 4th, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing with accompanying documents.

J. K. JACKSON,
Private Secretary.

The governor's messages were read as follows :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,

MONTGOMERY, February 4th, 1891.

To the Senate:

In compliance with joint resolution certified to me this day, I herewith return house bill 273½.

THOS. G. JONES,
Governor.

The bill n. 273½ was taken up.

On motion of Mr. Steagall the votes by which the bill was passed and ordered to a third reading were severally reconsidered and the bill was ordered placed upon the calendar.

The second message from the governor was read as follows :

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALA.,

February 4, 1891.

To the General Assembly :

I commend to your consideration the following subjects, upon which legislation is recommended :

SECTION 9, ARTICLE 5 OF THE CONSTITUTION.

The power given the governor by section 9, article 5 of the constitution to call upon the officers therein named for information is often absolutely essential to the proper discharge of his duty "to take care that the laws be faithfully executed." This provision is not self executing, and there is no penalty for refusing to give the information when required by the governor. I recommend the passage of an act punishing the failure or refusal of any officer properly called on to give the information required by the governor under this section of the constitution. There have been instances in this state where the governor's authority, under this section has been denied.

SECTION 23, ARTICLE 14 OF THE CONSTITUTION.

The general assembly owes it to itself to pass proper legislation to make effective section 23 of article 14 of the constitution. So long as the constitution remains in force we are all bound by it, and cannot excuse our failure to execute it by discussions as to its wisdom.

The failure to enact proper legislation heretofore, though several times attempted, has not been, I take it, from indisposition to enforce the constitution; but resulted from the fact that many members of past general assemblies did not concur in the strict construction given this section of the constitution by the framers of the bills intended to put it in force. The purpose of the constitution undoubtedly was to prevent the giving of passes to those who would not receive them but for their official position, and who would be put under obligations thereby. There is also force in the suggestion urged by those who have opposed bills on this subject in the past, that the constitution did not require an officer of a railroad who received a pass as part of his pay, or a person who held a pass in satisfaction of damages for right of way, or an editor who had received one for advertising, and the like, to restrain from using his property because the people had elected him a member of the general assembly or to a state office—that the use of passes, under such circumstances, although it might be in the letter, did not come within the mischief intended to be remedied by the constitution, and was not, therefore, in the spirit of the pro-

hibition. Differences of opinion on these points have heretofore prevented all legislation to make effective this useful provision of the constitution. Your wisdom will teach what exceptions, if any, should be made as to the use of passes by members of the general assembly and state officers. There should be no hesitation in passing proper laws on the subject. A broken law is a reproach to any people. The constitution itself says, "It is the duty of the general assembly to enact all laws to give effect to the provisions of this constitution," and we are sworn to support it.

SECTION 48, ARTICLE 4 OF THE CONSTITUTION.

Section 48, article 4 of the constitution makes it the duty of the general assembly to regulate by law the cases in which deductions shall be made from salaries of officers for neglect of duty in their official capacity. Further legislation on this subject would conduce to the efficiency of the public service.

SECTION 4, ARTICLE 5 OF THE CONSTITUTION.

Section 4, of article 5 of the constitution provides that contested elections for certain state offices shall be determined by both houses of the general assembly, "in such manner as may be prescribed by law." In one instance, at least, in the past history of the state, the absence of such regulations established by law, caused serious commotion, and was made the excuse for attempting to enjoin an officer, whose election had been duly declared by the general assembly in accordance with the constitution and laws, from performing his functions as governor.

SECTION 7, ARTICLE 12 OF THE CONSTITUTION.

Section 7 of Article 12 of the Constitution, requires the general assembly to provide for the safe keeping of the military records, banners and relics of the state. Adequate provision should be made for obtaining and publishing the muster rolls of such of her gallant sons as have answered to the call of the state in times of war, and to collect and publish such material as may be accessible, as relates to their heroic deeds and services.

PUBLIC LANDS.

I invite your attention to the defective condition of the records of the lands in which the state is interested. The records in the possession of the state give comparatively little information on the subject, and there is no doubt that much valuable land has been lost to the state in the past, for lack of proper information on this point.

It appears that there is a large amount of land in Louisiana certified to the State of Alabama, which, so far as our imperfect records show, has never been sold or disposed of. The lands in which the state is interested, are being depredated upon, and there seems to be no practical way to prevent it under existing laws. The provision should be made by law, charging some officer with the care and protection of these lands, and for obtaining from Washington accurate tracts and plats of all the lands in which the state is interested.

STATE TROOPS.

The state troops are efficient, and the organization is one of which the state may well be proud. Owing to lack of uniforms, pressure of business and other reasons, at least forty per cent of the total number borne on the rolls is ineffective. Our citizen soldiery defray the greater part of maintaining the expense of the organization; the appropriation of the state being a comparatively small part of the total cost.

The money appropriated by the state, if regarded solely as a premium paid for insurance against lawlessness, is a wise and economical expenditure. The existence of this organization strengthens that sense of security and stability which is so essential to a healthy and prosperous development of civilized communities; and if there were no other reason, this would amply justify the comparatively small appropriation which the state makes for their support. The organization is a training school for those who compose it, in manly virtues, obedience to law, respect for authority, and inspires devotion to the state and pride in her institutions; and the help which the state gives it is judicious on that, if no other ground.

The present appropriation for encampment expenses has

never paid their actual cost ; but has always left a large sum to be borne by officers and men out of their private means. As the troops give their time for nothing, provide their own uniforms and tents, and submit to the exactions of discipline for the purpose of becoming better instructed in their duties as citizen soldiery, it is not right that the state should tax them when they are ordered into camp.

There is no ground to hope that the state will have less need for their services in the future than it has had in the past. I trust the Legislature will appropriate the amount asked for in the bill to make appropriations for encampment expenses, which is now pending in one of your honorable bodies.

It would promote economy, and be of good to the service, if an additional regiment were formed, so that the commands in each regiment might be better located with reference to its headquarters. Under the present system, some of the companies in order to reach their regimental encampments have to travel several hundred miles beyond a nearer regimental headquarters.

The officers, when charged with aiding the civil authorities in enforcing the law, have very delicate duties to perform, and very much depends upon their discretion and judgment. Provision should be made by law for examining all officers before commissioning them. Rifle practice is very essential to the efficiency of the organization, and I recommend that the office of inspector of rifle practice be created with the rank of major, one to be attached to each regiment.

The state now has to account to the general government for any loss or deterioration in arms and equipment. The property of some of the batteries, which cost thousands of dollars, is exposed to the weather, and liable thereby to get out of order. Some provision should be made, other than now exists by law, to provide a place for the safe keeping of the pieces and equipment of the batteries.

COLOR-BLIND EXAMINERS AND EXAMINERS OF LOCOMOTIVE ENGINEERS.

Under the provisions of the "act to require locomotive engineers in this state to be examined and licensed by a board to be appointed by the governor for that purpose," approved

February 28, 1887, five examiners were appointed. The tenure of these examiners is practically for life, as the act fixes no term, and there is no power to remove them for neglect of duty or other good cause, nor are they included among the officers for whose impeachment present laws provide.

The same observations apply, with equal force, to the examiners appointed under an "act for the protection of the traveling public against accidents caused by color blindness and defective vision," approved February 28, 1887, except that provision is made for revoking their appointment upon recommendation of the state board of health. The state board of health, however, is composed of the State Medical Association of the State of Alabama. It has a large membership, and meets once a year. It cannot lawfully delegate authority to a committee to act for it in recommending a removal, and the provision for removal is therefore practically useless. The power which can be trusted to appoint these examiners can certainly be trusted to wisely exercise the power of removal, if in any case it becomes necessary. I recommend legislation accordingly.

CHICKEN OR COCK PITS.

I think I voice the wishes of our people in recommending as I do the passage of a law repealing the provisions of the revenue code which license chicken or cock pits.

THOS. G. JONES,
Governor.

On motion of Mr. Inzer one hundred copies of the governor's message were ordered to be printed for the use of the senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested:

H. 273. To amend section 1 of an act protecting game and animals and birds in the counties of Hale and Cullman and Greene, so far as the same applies to Hale county, approved February 27th, 1889;

H. 87. To amend section 2 and paragraphs 5, 7, 9 and 10

and section 4 and sections 9 and 10 of an act entitled an act to provide for a charter for the city of Jasper in Walker county, Alabama, approved February 6th, 1889;

ii. 137. To provide for the teaching in the public schools of physiology and hygiene with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system;

ii. 219. To authorize the commissioners court of Russell and Shelby counties to lay off said counties into four commissioners districts and to provide the manner of electing the county commissioners;

ii. 508. To amend sections 1, 5, 8 and 13 of an act to regulate the practice and proceedings in civil cases in the circuit court of Jefferson county, in this state, and in supreme court on appeal from judgments rendered in said cases, approved February 28th, 1889;

ii. 642. To prescribe the time when taxes shall become delinquent in the county of Chambers;

ii. 372. To amend the caption and sections one (1) and eight (8) of an act entitled an act to prevent horses, mules, asses, cows, hogs, sheep and goats from running uncontrolled on crops in beat No. 5 and in beat No. 8, in Butler county, and to prescribe a rule of damages and rules of protection to the trial of cases under the act, approved February 18th, 1889;

ii. 692. For the relief of Burwell Y. Burns, of Choctaw county, Alabama.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

SPECIAL ORDER.

At 1:15 p. m. the senate proceeded to consider:

The bill,

ii. 498. To declare the true intent and meaning of an act, approved February 19th, 1889, entitled an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the state of Alabama.

RECESS.

And pending its consideration at 1:30 o'clock p. m. the senate took a recess till 4 o'clock p. m.

 AFTERNOON SESSION.

The senate re-assembled at 4 o'clock p. m.;
 A quorum present;
 And proceeded to the consideration of

THE SPECIAL ORDER,

Which was the bill,

H. 498. To declare the true intent and meaning of an act approved February 19th, 1889, and entitled an act to amend an act entitled an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the state of Alabama;

And the bill having been read a third time, passed—yeas 21, nays 5.

Yeas—Mr. President, Berry, Bloch, Downey, Godfrey, Handley, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—21.

Nays—Messrs. Bradley, Haralson, Hundley, Inzer, Smith of Autauga—5.

Mr. Wiley moved to reconsider the vote by which the bill passed and to lay that motion on the table.

The motion to table prevailed.

BILLS ON THIRD READING.

The bill,

H. 390. To incorporate the town of Riverside, in St. Clair county,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, February 4, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,
Private Secretary.

The governor's message was read as follows :

CHIEF EXECUTIVE OFFICE,

MONTGOMERY, February 4, 1891.

To the General Assembly:

I transmit herewith a memorial of Thomas W. Pitcher and associates, who claim to be the owners of a judgment rendered against the State of Alabama in the chancery court of Hamilton county, Tennessee for the sum of \$300,000.

This judgment seems to have grown out of the seizure of the Alabama and Chattanooga Railroad Company by Governor Lindsay in July, 1871. The claim of the memorialists in reference thereto is fully set out in the memorial. They allege that this matter has never been presented to the commission appointed to adjust the state debt, and that the commission had no authority to settle the matter.

They ask in view of the facts stated in their petition that the governor recommend a reference of the claim to some officer or commission of the state for investigation.

I recommend that the matter be referred to the attorney general and that a joint resolution be passed by your honorable bodies instructing him to make a thorough investigation

of the facts and report the same to the governor that they may be laid before the next general assembly.

THOS. G. JONES,
Governor.

To His Excellency, the Governor of Alabama :

Thos. W. Pitcher and associates are the owners of a judgment for \$300,000 rendered by the chancery court of Hamilton county, Tenn., against the State of Alabama, of date December 3rd, 1875, on a bond made by the State of Alabama, as surety, for Jno. H. Gindrat, as receiver of the properties of the Alabama & Chattanooga Railroad Company. A copy of this bond is hereto attached for your inspection and information.

That you may more readily understand how the State of Alabama became bound on that bond, we have collected the following facts :

On or about the 27th July, 1871, Gov. Lindsay seized the Alabama & Chattanooga Railroad, and operated it for the purpose of reimbursing the state the interest paid by the state, on bonds of that company, which the company had failed to pay. He found nearly all the rolling stock of the company and all its machinery and materials for building and repairing engines and cars, in the hands of the clerk and master of the chancery court of Hamilton county, Tenn., who held the same as special receiver, under a lawful decree of said court made in a cause then pending, in said court, wherein J. C. Stanton was complainant and the Alabama and Chattanooga Railroad Company and others were defendants.

In order to get possession of these engines, cars, machinery and property, Gov. Lindsay directed that a bill be filed in the name of the State of Alabama against said railroad company, Jno. C. Stanton and others, and it was so filed in said court, on the 31st day of August 1871.

Immediately thereafter the State of Alabama moved the court to appoint Jno. H. Gindrat as the receiver of said court in said cause, and he was so appointed and on the 8th of September, Gindrat gave bond in the sum of \$300,000, with the State of Alabama as the sole surety thereon; the state then moved for an order and decree directing and requiring that the clerk and master of said court turn and deliver to said Gindrat as such receiver all the property in his

hands as special receiver. This was done, and property valued at \$234,582, was turned over to said Gindrat as such receiver who filed his receipts theretofore in court, and afterwards he received large amounts of other property of said company, for which he received as receiver, and filed the receipts in court.

At and before the time of his said appointment as receiver, the said Gindrat was the private secretary of the governor of Alabama, and the other litigants in said court, who were claiming an interest in said property, strenuously opposed his appointment for that reason, but the court overruled them and appointed him receiver and approved his said bond.

Afterwards the case of the State of Alabama against said Alabama and Chattanooga Railroad Company was consolidated with that of J. C. Stanton vs. said company, and afterwards on final hearing both bills were dismissed and both complainants appealed from the decree dismissing their bills, to the supreme court of Tennessee, where the decree dismissing the bill of the State of Alabama was affirmed and it was held that the state of Alabama took nothing by its said bill, but the decree dismissing the bill of J. C. Stanton was reversed and the cause was remanded and proceeded to final decree in favor of Stanton, and in the proceedings thereafter had in said cause, said judgment was rendered on said bond as aforesaid, as it was shown that said Gindrat had wrongfully used and converted to his own use much of the property which came to his hands, as such receiver and had allowed large quantities thereof, of great value to be taken away from his custody and control and sold or otherwise disposed of, so that the whole of the property confided by the court to his care and keeping was lost or destroyed, and the complainant, who was adjudged and entitled to a lien thereon for the payment of his judgment against said railroad company for \$348,000 was deprived of the only security he had for the payment of any part of his judgment.

This judgment, while rendered in the name of J. C. Stanton really belonged to others who had in good faith advanced him money and credit, and afterwards was transferred to the present owners in part payment of what was justly due them. We are reliably informed that these owners had no knowledge of any of said Stanton's acts and doings in Alabama, nor of his transactions within the State of Alabama.

This judgment was never presented or considered by the commissioners appointed "to liquidate and adjust all claims against the State of Alabama, arising from bonds issued or endorsed in the name of this state." Acts 1874-5, p. 102. because they were not authorized by the terms of the act creating them, to adjust such a liability as this, as will clearly appear by reading the 2nd section of that act.

The commissioners themselves put this construction on that act, as shown by their report, page 11, where they enumerate the indebtedness of the state but do not mention or refer to this judgment, and on page 16 they say :

"It is not our province to make any suggestion in regard to the claim of the South and North Railroad Company or the amount alleged to be due the school fund. They are not connected in any way with the debt of the state, and do *not come within the scope of our investigation and adjustment.*" P. 16.

And when the commissioners came to draw a formal contract between the state and the foreign bondholders, of all the bonds of the state issued in aid of the Alabama and Chattanooga Road, called "straight bonds" or of endorsed bonds, looking to a settlement of the liability of the state, they declare in the 2nd section of exhibit B, p. 32, which is a contract signed by the commissioners and T. W. Snagge, attorney for the bondholders, expressly what liability of the state is extinguished by the execution of that contract, and the liability of this judgment is nowhere mentioned.

We respectfully invite your attention to the equitable doctrine of estoppel, which exerted such influence on the commissioners when they were considering the liability of the state on the bonds issued to, or endorsed for the Alabama and Chattanooga Railroad Company, pp. 20-21, and to the legislative approval of the commissioners construction and action, p. 44.

We now ask if the state, by reason of the fact that it seized the railroad and its property, was estopped from denying its liability on the bonds, how does it lie in its mouth to deny its liability on a bond, which it gave a court, in order to get property out of that court and into its control? And which it was bound to have in order to operate the road, and all of this is done in a cause *brought by* the state, not in a suit against the state.

The repeal by the state of the law allowing it to be sued, does not in any way affect this question.

The state now has the right to sue in any court of the land, and if it does sue and thereby incurs a liability which is *ascertained* by the judgment of the court, it would be in the same position legally and morally as it now is in reference to this judgment of the chancery court of Hamilton county, Tenn., in either case the legislature would have to make an appropriation before the ascertained liability could be paid out of the treasury.

Railroad Company vs. Tennessee, 101 U. S. 337.

Railroad Company vs. Alabama, 101 U. S. 832.

Also note at foot of the last case, p. 835.

In view of the foregoing facts and of the law, applicable to such cases we respectfully urge your excellency to recommend that the settlement and adjustment of this liability be referred by an act of the legislature to some officer or commissioners of the state, so that a settlement may be had, which shall be acceptable and honorable alike to the claimants and the state.

WARD AND JOHN,
Attorneys for Thos. W. Pitcher and others.

STATE OF ALABAMA, Montgomery, 1871.

The undersigned, John H. Gindrat and the State of Alabama severally acknowledge themselves to owe and be indebted to James A. Caldwell, clerk and master, and his successors in office for use and benefit of the parties hereinafter mentioned in the penal sum of three hundred thousand (\$300,000) dollars for the payment of which on condition hereinafter stated the said Gindrat binds himself and his legal representatives, and the State of Alabama pledges her faith and credit.

But the condition of the above obligation is such, whereas, in a suit instituted by the State of Alabama in the chancery court of Hamilton county, Tennessee, against the Alabama and Chattanooga railroad company, and others, she has prayed for the appointment of a receiver as will more fully and at large appear from the bill filed in said cause. And, whereas, said court upon her motion and the voluntary tender of this bond, and by and with the consent of a majority of the attaching creditors made parties defendants in said suit, the court has appointed the undersigned, John H. Gindrat, receiver, as prayed for as will more fully appear by

the decree of his honor, the chancellor, in the premises which is referred to as explanatory of this bond, and ordered certain property in said decree mentioned delivered over to said Gindrat to be by him held as the receiver of this court, and used and applied, as has or may be directed by said court.

Now, therefore, if the said Gindrat shall well and truly execute the decrees of said court in the premises, and diligently and faithfully execute the trusts reposed in him as receiver, and account for and pay over all money and property in his possession as receiver of this court when required to do so by a decree of said court, then and in that event the foregoing obligation shall be void as to him. And if the State of Alabama shall well and truly return or cause, or procure a return of all of the property which shall be delivered by order of said court to said Gindrat as receiver, as aforesaid, when required by the court in like good order and condition, the same as when delivered to said Gindrat as receiver, or in case of failure to so return the property, pay its value in case it should on the final adjudication of said suit, be required to do so by decree of said court, the foregoing obligation shall be null and void to the State of Alabama.

But on the failure of said several obligors to perform any or all of the stipulations herein contained, the same shall remain in full force and effect. And they consent that a decree may be rendered to enforce the condition herein contained for the benefit of any person who now or may hereafter become a party to said suit, for such damages as they or any one or more of them may be adjudged to have sustained by reason of any breach of any one or more of the conditions contained herein.

In witness whereof this obligation is signed, sealed and delivered by the said John H. Gindrat for himself and Robert D. Lindsay, Governor of Alabama, for and in behalf of the State of Alabama, verified by the seal of said state on this the eighth day of September, A. D. one thousand eight hundred and seventy-one.

JOHN H. GINDRAT. (Seal.)

Robert B. Lindsay, Governor of the State of Alabama.

(Alabama great seal.) Copy.

On motion of Mr. Skeggs the governor's message was ordered to lie on the table and fifty copies printed for the use of the senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills :

II. 989. To confirm the incorporation and organization of the Hunter, Benn & Co. Company, and define and declare the powers of said company ;

II. 868. To divest the title, interest and estate of the state of Alabama out of certain land in Talladega county and invest the same in Drucilla Lawler ;

II. 551. To confer additional powers upon the Jasper Land Company, a corporation whose charter was ratified and confirmed by an act of the general assembly of Alabama, approved February 27th, 1889, for the purpose of enabling the said Jasper Land Company to enhance the value of its property ;

And ordered the same to the senate without engrossment ;

And accedes to the request of the senate for a committee of conference on

II. 369. To provide for elections in Jasper beat, or beat No. 1, the town of Day's Gap, and Carbon Hill town, Walker county, Alabama, to determine whether or not, the selling, giving away, or otherwise disposing of vinous, malt or spirituous liquors, in the incorporated towns now in said beats, shall be prohibited.

Committee on the part of the house : Messrs. Judge, Webb and Long.

And has non-concurred in the senate amendment to

II. 259. To amend section 141 of the code.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills set out in the foregoing house message, were severally read a first time and referred to appropriate committees, as follows :

II. 989, to municipal and county organizations ;

II. 868, to local legislation ;

II. 551, to internal improvements.

The senate insisted on its amendments to II. 259, and asked a committee of conference thereon.

The president appointed as the committee on the part of the senate, Messrs. Stallworth, Minge and Wiley.

The senate resumed the consideration of

BILLS ON THIRD READING.

The bill,

s. 389. To incorporate the Alabama Locomotive Company,
Was taken up.

Mr. Inzer offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Downey, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Minge, Nesmith, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—19.

The bill,

ii. 537. To amend an act entitled an act to incorporate the town of Northport, approved February 12, 1879, by adding the following additional sections to said act incorporating said town,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Godfrey, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—18.

ADJOURNMENT.

At 6 o'clock p. m. the senate adjourned.

 FORTIETH DAY.

THURSDAY, Feb. 5th, 1891.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Thompson of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—28.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees, as follows :

By Mr. Inzer—

s. 464. To incorporate the Alabama City Land and Development Company;

Municipal and county organizations.

Also,

s. 465. To amend section five of an act entitled an act to amend an act entitled an act to organize and regulate a system of public instruction for the state of Alabama, approved February 7th, 1889, and amendments thereto approved February 28th, 1887, as amended by an act entitled an act to amend sections one, three, five and nine of an act entitled an act to amend an act to organize and regulate a system of public instruction for the state of Alabama, approved February 7th, 1889, and amendments thereto, approved February 28th, 1887;

Education.

Mr. Milner—

s. 466. To provide for the collection, arrangement and display of the products of the state of Alabama at the World's Columbian Exposition in 1893, and to make an appropriation therefor;

Finance.

Also,

s. 467. To amend an act to amend section 677 of the code of Alabama;

Judiciary.

Mr. Wiley—

s. 468. To cede to the United States jurisdiction over the lands of Mount Vernon Barracks and Fort Morgan;

Military.

Mr. Godfrey—

s. 469. To authorize the governor to cause to be instituted in the name of the state, proceedings for the acquirement by condemnation of any lands, right of way, or material needed for the use of the penitentiary, or the maintenance or operation of the hard labor system of the state;

Penitentiary.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in the senate amendments to the following house bills:

ii. 217. To authorize the laying off the county of Pike into commissioners districts, and providing for the election of commissioners by the qualified voters of the county;

ii. 82. To preserve order at the Corn House Camp-ground in the county of Randolph, Alabama, and Barnes' Chapel Camp-ground, Lamar county, Alabama;

And accedes to the request of the senate for a committee of conference on the disagreement of the two houses on the bill,

ii. 259. To amend section 141 of the code;

Committee on the part of the house: Messrs. Lee of Conecuh, Brewer and Bass.

And has concurred in the senate joint resolution relative to authorizing the governor to issue certain bonds to the South and North Alabama Railroad Company;

And has adopted the joint resolutions, herewith sent, relative to an appropriation for improving the Sipsey river;

Also,

Relative to the adjustment of an alleged debt of the state of Alabama to Tennessee parties for \$300,000.

And has passed

s. 243. To authorize the court of county commissioners of DeKalb county to issue bonds of said county to an amount not exceeding thirty thousand dollars and to dispose of the same for the purpose of securing means for building a court house and providing the same with suitable furniture and for building an addition to the county jail of said county;

s. 234. To provide for the election of county superintendent of education of Autauga county;

s. 232. To authorize the intendant and councilmen of the town of Highlands, in the county of Jefferson, to issue bonds of said town for an amount not exceeding seventy-five (\$75,000) dollars, for the purpose of building and constructing sewers and making other permanent improvements in said town, and paying off floating debt of said town;

And has amended and, as amended as therein shown, has passed:

s. 34. To extend the geological and agricultural survey of the state of Alabama;

And has originated and passed and ordered forthwith to the senate without engrossment:

ii. 900. To amend section 1586 of the code;

ii. 869. For the relief of needy confederate soldiers and

sailors, residents of Alabama, who, from wounds or other causes, are now unable to earn a livelihood; and for the widows of such as were killed or died in said war, and have not since remarried:

II. 626. To protect the owners of bottles, boxes, syphons, fountains and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer or other beverages.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once and referred to appropriate committees as follows:

II. 626, 869, to finance;

II. 900, to revision of laws;

The senate concurred in the house joint resolution, relative to an appropriation for improving the Sipsey river.

The senate also concurred in the house joint resolution, relative to the adjustment of an alleged debt of the state of Alabama to Tennessee parties for \$300,000.

The senate concurred in the house amendment to the senate bill 34, set out in the foregoing house message—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Williams—20.

REPORT OF COMMITTEE OF CONFERENCE.

Mr. Skeggs, from a committee of conference, submitted the following report:

Mr. President:

Your committee of conference on the disagreement of the two houses on II. 369.

II. 369. To be entitled an act to provide for elections in Jasper beat, Horse Creek beat, Day's Gap beat and Carbon

Hill town, Walker county, Alabama, to determine whether or not the selling, giving away or otherwise disposing of spirituous, vinous or malt liquors, in the incorporated towns now in said beat, shall be prohibited.

Have had the same under consideration and beg leave to report as follows: and offers the following as a substitute for all senate amendments:

1. Amend by striking out the entire caption of the bill and inserting in lieu thereof the following: A bill to be entitled an act to provide for elections in beat No. 1, and the towns of Day's Gap and Carbon Hill, in Walker county, Alabama, to determine whether or not the sale, giving away or otherwise disposing of malt, vinous or spirituous liquors shall be lawful within the incorporated limits of Jasper, Day's Gap and Carbon Hill.

Amend by striking out the first section of the bill and insert in lieu thereof the following:

SECTION 1. Be it enacted by the general assembly of Alabama, that whenever 25 or more resident freeholders of beat No. 1, or whenever 10 or more resident freeholders of the town of Day's Gap and Carbon Hill, in Walker county, Alabama, shall file with the judge of probate of said county their petition in writing, asking for an election to ascertain the wishes of the voters of beat No. 1, and of said towns of Day's Gap and Carbon Hill, whether or not the sale, giving away or otherwise disposing of vinous, malt or spirituous liquors shall be lawful in the incorporated towns of Jasper, Day's Gap and Carbon Hill; then it shall be the duty of the probate judge to order an election in said beat No. 1, or the town of Day's Gap or Carbon Hill, and fix the time of holding the same at the usual voting place in said beat or town, which shall not be more than sixty nor less than thirty days from the time of the filing of such petition.

Amend by striking out all of section 2, of the bill and insert in lieu thereof the following:

SECTION 2. Be it further enacted, that the sheriff of said county shall give notice for thirty days of the time so fixed for holding such elections and the purpose for which said elections are to be held, by publication as is now required by law; an inspector shall be appointed for said beat or town as required by law for holding of general elections under the election laws of this state.

Amend by striking out all of section 3 of the bill and inserting in lieu thereof the following:

SECTION 3. Be it further enacted, that upon the date so appointed an election shall be held in said beat No. 1, or in the towns of Day's Gap or Carbon Hill—and all persons who are at the time qualified voters under the general election laws of the state, shall be allowed to vote, and such election or elections shall be governed in all respects by the general election laws of this state so far as they are applicable at the time.

Amend by striking out all of section 5, of the bill and inserting in lieu thereof the following :

SECTION 5. Be it further enacted, that after the expiration of the thirty days last above provided for, should such result be for prohibition, it shall be unlawful for any person to sell, give away, or otherwise dispose of vinous, malt, or spirituous liquors in either or any of the towns of Jasper, Day's Gap or Carbon Hill, in which elections have been held under this act, and any persons violating the provisions of this act shall on conviction be fined not more than two hundred dollars.

Amend by striking out all of section 6, of the bill and insert in lieu thereof the following :

SECTION 6. Be it further enacted, that if the result of any election, held under the provisions of this act, shall be against prohibition then it shall be lawful to sell, give away or otherwise dispose of vinous, malt, or spirituous liquors in any of the town, or towns, in which an election has been held and which has voted against prohibition, subject to regulations of the municipal authorities of any of said town or towns under their respective charters.

Amend by striking out all of section 7 of the bill, and insert in lieu thereof the following :

SECTION 7. Be it further enacted, that the true intent and purpose of this act is to provide for an election or elections in the manner prescribed, to determine the wishes of the voters of said beat No. 1, or of the town of Carbon Hill or of the town of Day's Gap to determine separately and for itself whether or not the traffic in liquors shall be lawful within the limits of the incorporated town of Jasper, in beat No. 1, or in the incorporated towns of Day's Gap, and Carbon Hill, and so much of any prohibition law or laws now in force as conflict with the provisions of this act, and no more, are hereby repealed ;

And your committee respectfully recommends its adoption.

JOHN T. MILNER,
WM. E. SKEGGS,
W. W. HARALSON,

Committee on part of the senate.

H. M. JUDGE,
T. L. LONG,
J. M. FOSTER.

Committee on part of the house.

The senate concurred in the foregoing report—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Bloch, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

BILLS ON SECOND READING.

By Mr. Parks, from revision of laws, favorably,

II. 226. To amend an act in relation to the trials of misdemeanors in Tuskaloosa and other counties therein named, in so far as the same relates to Tuskaloosa county;

II. 773. To authorize and empower the board of mayor and aldermen of the city of Tuskaloosa to issue bonds of said city, not to exceed thirty-three thousand dollars, for the purpose of taking up and refunding all outstanding bonds of said city, upon which eight per cent per annum is being paid as interest at the present time;

II. 260. To amend section 2765 of the code of Alabama;

II. 913. To regulate the trials of misdemeanors in Shelby and Winston counties, Alabama;

Also, with amendment,

II. 859. To provide liens for mechanics and material men;
Also, adversely,

S. 292. To amend section 3685 of the code of Alabama of 1886.

By Mr. Skeggs, from education, favorably,

S. 455. To create a separate school district in the county of St. Clair, to be called Cook's Springs public school district and to define the boundaries thereof;

S. 422. To authorize the election of township superintendents in St. Clair county;

S. 430. To establish the Mount Pleasant School District in Lamar county;

ii. 279. To create a board of education for the city of Bessemer and to prescribe the powers and duties of the same;

ii. 504. To regulate the apportionment of the school fund in this state by the superintendent of education;

ii. 210. To receive and appropriate the moneys granted to the state of Alabama by act of congress, approved August 30th, 1890, entitled an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, &c., and for other purposes;

ii. 758. To amend section two of an act entitled an act to create a separate school district in Marion and Lamar counties and to define the boundaries thereof, approved February 27th, 1889.

By Mr. Handley, from finance, favorably,

ii. 860. For the relief of William B. Morgan and Glenn Scoggins of Jefferson county;

s. 462. For the better protection of the capitol and grounds, and for the preservation of order therein.

By Mr. Lackey, from municipal and county organizations, favorably,

s. 405. To amend sections three (3), four (4), seven (7), eight (8), eleven (11), twelve (12) and thirteen (13), of an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved January 16, 1879;

Also, with an amendment,

s. 241. To authorize and empower the mayor and aldermen of the city of Huntsville to improve and repair the streets and sidewalks of the city of Huntsville, Alabama, at the cost of parties whose property abuts such streets;

Also, favorably,

ii. 631. To provide for a charter for the town of Carbo Hill, in Walker county, Alabama;

ii. 989. To confirm the incorporation and organization of the Hunter, Benn & Co. Company and to define and declare the powers of said company;

By Mr. Heralson, from local legislation favorably, with a substitute,

s. 437. To authorize the county of Elmore and the city of Wetumpka to erect or buy a bridge across the Coosa river at or near Wetumpka and to issue bonds therefor and to levy and collect taxes for the payment of said bonds;

By Mr. Stansell, from penitentiary, favorably,

n. 802. To incorporate the Montgomery Manufacturers' Aid and Improvement Company ;

By Mr. Godfrey, from penitentiary, favorably,

s. 460. To better provide for the protection of the health and the promotion of the well being of prisoners in jail.

On motion of Mr. Hundley,

THE SPECIAL ORDER,

Which was the bill,

s. 67. To receive and appropriate the moneys granted to the state of Alabama, by the act of congress, approved August 30th, 1890, entitled an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, &c., and for other purposes,

Was postponed and made a special order for to-morrow, immediately after the call of committees.

BILLS ON THIRD READING.

The bill,

n. 141. To increase the jurisdiction of justices of the peace in Tuskaloosa, Blount, Crenshaw, Fayette, Cherokee, Macon, Morgan and Chilton counties,

Was taken up.

1. Mr. Bradley moved to amend so as to include Lamar, Franklin and Marion in the provisions of the bill ;

Adopted. *

2. Mr. Hargrove (Mr. Haralson presiding) moved to amend by striking out Tuskaloosa ;

Adopted.

3. Mr. Parks moved to amend by striking out Crenshaw ;

Adopted.

The bill was read a third time and passed—yeas 16, nays 1.

Yeas—Mr. Bradley, Bloch, Davie, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—16.

Mr. President voted no.

The bill,

n. 346. To incorporate the town of Edwardsville,

Was taken up.

Mr. Inzer offered an amendment (by request).

Which was adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Davie, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Skeggs, Smith of Antanga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

s. 388. To establish a charter for Alabama City in Etowah county, Alabama,

Was taken up.

Mr. Inzer offer an amendment,

Which was adopted.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bloch, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—17.

The bill was ordered to to the house without engrossment.

The bill,

II. 332. To incorporate the town of Steele in the county of Russell,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Bloch, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

The bill,

s. 323. * To extend the police power and jurisdiction of the city of Birmingham, over and about the Fair Grounds in the vicinity of said city, in the county of Jefferson, known as the Fair Grounds of the Birmingham Fair Association, and to empower the corporate authorities of said city to authorize, regulate and license any business on said Fair Grounds, during the holding of any fair, exposition or races, that may be authorized, regulated or licensed by said city within the corporate limits thereof,

Was taken up.

The pending substitute was adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

ii. 405. To incorporate the East Alabama Male and Female Institute, Notasulga, Alabama.

Was taken up.

The pending amendment was adopted as follows: Strike out section five and renumber the sections of the bill.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Bloch, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Stansel, Steagall, Williams—18.

The bill,

s. 117. To establish the city court of Gadsden;

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—18.

The bill,

s. 194. For the relief of W. L. Rowe, sheriff of Tallapoosa county,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Grant, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Mobile, Stansel, Steagall—20.

The bill,

s. 378. To incorporate the Montgomery Loan and Trust Company,*

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Mobile, Stansel, Steagall, Williams—23.

The bill,

s. 377. To incorporate the Montgomery Investment, Banking and Trust Company,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Grant, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

s. 230. To amend section 1309 of the code,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

The bill,

s. 302. To amend section 4076 of the code of Alabama,

Was taken up.

Mr. Skeggs offered an amendment which was adopted as follows:

Strike out "more" in 9th line and insert "less."

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—19.

The bill,

s. 384. To regulate the drawing of a jury for the July term of the county court of Lawrence county,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

s. 238. To amend an act entitled an act to authorize the commissioners court of Franklin and other counties therein named to lay off their respective counties into four commissioners districts,

Was taken up and the substitute adopted with captions as follows:

s. 238. To provide for the re-arrangement of the commissioners districts in Limestone county.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—21.

The bill,

s. 284. To prevent the running at large of stock in certain portions of Elmore county,

Was taken up.

Mr. Williams offered an amendment, which was laid on the table, on motion of Mr. Parker.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Davie, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

s. 393. To prevent stock from running at large in beat 5 in Coosa county,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Davie, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

The bill,

H. 634. To amend section one of an act to establish partial stock law districts in Talladega county, so as to include precincts seven, eight, eleven, and all of that part of two lying east of the Jackson Trace Road, and beat No. 3 and sections 6 and 7, and N. $\frac{1}{2}$ of section 5 in beat No. 13, township 20 and range 5 in said county,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

The bill,

H. 542. To authorize the election of four commissioners for the court of county commissioners of Chilton county and to direct the court of county revenues of said county to turn over and deliver the records and papers on file in said court to the court of county commissioners of said county of Chilton,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

H. 528. To repeal an act entitled an act to amend an act to regulate the fees of officers of court against the fine and forfeiture fund of Wilcox county,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie,

Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Milner, Minge, Nesmith, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—21.

The bill,

ii. 327. To fix the fees of the circuit clerk of Hale county,
Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Milner, Minge, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

ii. 231. To repeal an act entitled an act to increase the criminal jurisdiction of justices of the peace and notaries public having like powers in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, approved February 8th, 1877, so far as the same relates to Walker county,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—20.

The bill,

ii. 222. To require county administrators to keep a book of record, and to make such book of record free for examination of all persons,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Cowan, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Mackey, Nesmith, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—17.

The bill,

ii. 673. To provide for the levying and collecting a license tax on dogs in Macon and Lee counties.

Mr. Harris of Lee moved to strike out Lee from body and caption of bill;

Carried.

The bill was read a third time and passed—yeas 16, nays 6.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Grant, Godfrey, Haralson, Harris of Hale, Milner, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—16.

Nays—Mr. Handley, Harris of Lee, Hundley, Inzer, Parker, Williams—6.

The bill,

H. 457. To prohibit placing mortgages or encumbrances on growing crops in Monroe county,

Was taken up.

Mr. Williams offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bloch, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Parker, Smith of Autauga, Stallworth, Stansel, Steagall, Williams—18.

The bill,

s. 402. To confirm the incorporation and organization of the Gadsden and Attalla Railroad Company,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Cowan, Davie, Grant, Handley, Harris of Lee, Hayes, Lackey, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—17.

The bill,

s. 403. To confirm the incorporation and organization of Gadsden and Attalla Union Railway Company,

Was taken up.

Mr. Inzer offered an amendment, which was adopted, as follows :

Amend the bill by inserting the word "The" just before the words "Gadsden and Attalla Railway Company," where they occur in said bill and in caption thereof.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Grant, Godfrey, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—17.

The bill,

s. 407. To authorize and empower the board of trustees of the Evergreen Male and Female Academy, an institution of learning incorporated by act of the general assembly of the state of Alabama, approved February 5, 1840, to prescribe and adopt the order, mode and branches of study and learning to be pursued in said academy, fix the rates of tuition, grant diplomas or other certificates of scholaship, and to do any and all lawful acts necessary, proper and lawful to be done to further the objects of said academy, or which other literary institutions of like kind may do,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Bloch, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Minge, Nesmith, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—19.

The bill,

s. 383. To incorporate the town of Moulton in Lawrence county, Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Williams—20.

The bill,

s. 385. To confer upon the town of New Decatur in Morgan county, Alabama, the power to require certain male inhabitants of said town to work on the streets of said town,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Davie, Grant, Handley, Harris of Hale, Hayes, Inzer, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

The bill,

n. 824. To incorporate the "Alabama Street Presbyterian Church," located in Selma,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Grant, Handley, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—22.

The bill,

s. 237. To amend certain sections of the charter of the town of Oxford, and to give said town of Oxford power to issue bonds,

Was taken up.

Mr. Grant offered certain amendments, which were severally adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Minge, Nesmith, Parker, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—23.

The bill,

s. 386. To amend section two (2) of an act entitled "An

act to authorize the corporate authorities of the town of New Decatur, in the county of Morgan, to negotiate a loan for the improvement of the streets and of the sanitary condition of said town, and to issue bonds for the payment of said loan," approved February 13th, 1889, so as to read as follows,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Davie, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Mobile, Stallworth, Stansel, Williams—19.

The bill,

ii. 468. To amend sections three, seven and twenty-four of an act to incorporate the city of Jenifer, Alabama, approved February 28, 1889,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Williams—20.

The bill,

ii. 588. To amend section eight of an act entitled an act to provide a new charter for the city of Tusculumbia, Colbert county, Alabama, approved February 28th, 1887,

Was taken up, and the pending amendment was adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—20.

The bill,

ii. 416. To incorporate the town of Luverne in the county of Creunshaw and State of Alabama,

Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Davie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Mobile, Stansel, Steagall, Williams—19.

The bill,

s. 400. To repeal an act entitled an act to amend section one of an act entitled an act to fix the compensation of the tax assessor of Mobile county, approved February 28, 1887.

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—22.

The bills s, 400, 386, 385, 417, 377, 378, 388, 230, 393, were ordered forthwith to the house without engrossment.

Mr. Skeggs, from the committee on education returned the bill,

s. 440. To refund license money to James E. Ray, of Tallapoosa county;

Which was recommitted to the committee on finance.

JOINT RESOLUTION.

Mr. Hargrove offered the following joint resolution:

Resolved by the senate, the house concurring, That Saffold Berney be permitted with the consent of the governor and the state geologist, to have printed from the engraved plate, prepared for the geological survey, as many copies of the map of the state, as may be needed to go with his hand book, descriptive of the resources of the state; provided that no expense shall fall upon the state in consequence of this permission.

Which was adopted.

RECESS.

At 1:30 p. m., the senate took a recess until four o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at four p. m., a quorum present.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from committee on enrolled bills, reported the following bills correctly enrolled, viz:

s. 40. To authorize and allow execution to be issued on any judgment, or decree which has been or may hereafter be properly registered in the office of the judge of probate;

- s. 42. To amend section 3403 of the code ;
- s. 57. To create a board for the equalization of tax assessments on property in the city of Montgomery ;
- s. 243. To authorize the court of county commissioners of DeKalb county to issue bonds of said county to an amount not exceeding thirty thousand dollars and to dispose of the same for the purpose of securing means for building a court house and providing the same with suitable furniture and for building an addition to the county jail of said county ;
- s. 33. To incorporate the Alabama Methodist Orphanage ;
- s. 232. To authorize the intendant and councilmen of the town of Highlands, in the county of Jefferson, to issue bonds of said town for an amount not exceeding seventy-five thousand dollars (\$75,000), for the purpose of building and constructing sewers and making other permanent improvements in said town, and paying off floating debt of said town ;
- s. 224. To require the commissioners court of Sumter county to appropriate money from the general fund of the county from which to pay the claims against the fine and forfeiture fund of said county and to provide the manner of such payment ;
- s. 187. To define a lawful wire fence in Wilcox and Sumter counties ;
- s. 20. To change the time of electing commissioners of Lee county ;
- s. 46. To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state, in the county of Perry ;
- s. 116. To regulate the trials of misdemeanors in Lawrence county ;
- s. 78. To provide for bells at public ferries in Wilcox county ;
- s. 163. To authorize and empower the governor of Alabama to issue a patent to the heirs of John Henderson, deceased, to the north-west fourth of the north-east fourth, and the north-east fourth of the north-west fourth of section 16, township 18 of range 5, east, in Talladega county ;
- s. 247. To incorporate the Cotton States Telephone and Telegraph Company ;
- s. 341. To relieve Helen E. Lewis of Hale county of the disabilities of non-age.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing report of enrolled bills.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bills :

II. 312. To amend an act entitled an act to incorporate the town of Gordon, in Henry county, Alabama, approved February 1st, 1872 ;

II. 362. To authorize the payment of account of The Brown Printing Company ;

II. 630. To declare the Black Warrior river a navigable stream within the limits of Walker county and to prohibit the obstruction of the same ;

II. 637. To regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor ;

II. 707. To incorporate the town of Springville with the boundaries hereinafter designated, and to establish a new charter for said town ;

II. 884. To incorporate the Eufaula Investment and Security Company ;

II. 1001. To establish a new charter for the town of Clayton, Barbour county ;

II. 470. To amend an act entitled an act for the preservation of game animals and birds in the counties of Tuskalooza and Calhoun, approved February 27, 1889, so far the same applies to Tuskalooza county, Crenshaw county, Lee county, and Calhoun county ;

II. 609. To expedite the trial of capital cases in Jefferson county.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bills, the titles of which are set out in the fore-

going message, were severally read a first time and referred to appropriate committees as follows :

II. 609, to special committee composed of Messrs. Skeggs, Milner and Parks ;

II. 637, 884, 1001, to local legislation ;

II. 630, to internal improvements ;

II. 362, to printing ;

II. 470, to agriculture :

II. 312, 707, to municipal and county organizations.

BILLS ON THIRD READING.

The bill,

II. 602. For the relief of A. G. Franklin, ex-sheriff of the county of DeKalb, State of Alabama,

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—20.

The bill,

II. 616. For the relief of the estate of John R. Dicken, deceased,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Williams—18.

The bill,

II. 38. To provide for the better maintenance and support of the public schools of Jefferson county, Alabama,

Was taken up and the pending substitute adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Steagall—19.

The bill,

II. 435. To provide for an additional judge of the supreme court of Alabama,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. Berry, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks,

Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—18.

Mr. Haralson moved to reconsider the vote by which the bill passed, and also, to lay that motion on the table.

The motion to table prevailed.

The bill,

s. 406. For the relief of James E. Kennedy, sheriff of Dallas county,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Davie, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—18.

The bill,

ii. 480. To prevent the wrongful and illegal collection of money on farm produce as storage,

Was taken up, and the pending amendments numbered one and two were adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—18.

The bill,

ii. 84. To prohibit pools, trusts or combines to regulate or control the prices of produce, goods, wares, or merchandise in this state,

Was taken up, and the pending amendment, adding a proviso to the bill, was adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Davie, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—19.

The bill,

ii. 481. To provide for the support of the indigent soldiers and sailors of the late confederate states army and navy who are bona fide citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama,

Was taken up, and the pending amendments, numbered one, two, three and four were severally read and adopted.

Mr. Smith of Mobile offered an amendment, which was adopted as follows:

"Provided, that the provisions of this act shall not apply to the county of Mobile."

Mr. Haralson offered an amendment, which was adopted.

Mr. Parks offered an amendment, which was adopted.

On motion of Mr. Haralson the bill was re-committed to the committee on revision of laws with instructions to prepare a substitute therefor.

The bill,

s. 359. To amend section 521 of the code, so far as the same relates to Jefferson county,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—22.

The bill,

s. 326. To ratify, confirm and enlarge the corporate powers of the Birmingham, Powderly and Bessemer Street Railroad Company,

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Davie, Downey, Handley, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—19.

The bill,

s. 348. To incorporate National Banking, Investment and Trust Company,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall—22.

The bill,

s. 347. To incorporate Sheffield Savings and Trust Company;

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Smith of Mobile, Stansel, Steagall, Williams—18.

The bill,

H. 106. To incorporate the Alabama State Mining and Manufacturing Company,

Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—23.

The bill,

ii. 119. To promote the comfort of passengers on railroad trains,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—21.

The bill,

ii. 319. To ratify and amend the charter of the Security Bank of Alabama,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Stansel, Steagall, Williams—21.

The bill,

s. 289. To amend section 4578 (4551) of the code of Alabama,

Was taken up, and the substitute pending was adopted with caption as follows:

s. 289. To designate the officers at the penitentiary walls and to provide for their appointment, removal and compensation.

On motion of Mr. Skeggs the bill was postponed and made a special order for to-morrow at 12 o'clock, and fifty copies ordered printed for the use of the senate.

The bill,

s. 397. To incorporate the Colored Normal College of Lamar county,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Davie, Grant, Godfrey, Handley, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—19.

ADJOURNMENT.

At 6 p. m. the senate adjourned.

FORTY-FIRST DAY.

FRIDAY, February 6, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Thompson of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams.

The journal of yesterday was approved without being read.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Waddell, indefinitely, on account of sickness.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows:

By Mr. Milner—

s. 470. To ratify and amend the charter of the Alabama Trust and Savings Company;

Internal improvements.

Mr. Haralson, (by request)—

s. 471. To require the money paid by all persons for state and county license in Walker county, to retail liquor in the year 1889, to be refunded to such persons, or their legal representatives, when the use of such licenses was prevented by prohibitory acts of the legislature;

Finance.

Mr. Skeggs—

s. 472. To authorize the city of New Decatur to levy and collect license taxes upon professions, occupations, vocations and businesses practiced or engaged in within said city;

Municipal and county organizations.

Mr. Handley—

s. 473. To further regulate the Alabama State Troops; Military.

Mr. Bloch—

s. 474. To provide for the payment of expenses incurred in the inauguration of the governor of Alabama;

Finance.

Mr. Handley—

s. 475. To incorporate the Commercial Savings Bank of Birmingham, Alabama, etc.;

Internal improvements.

Mr. Inzer, (by request)

s. 476. To amend an act approved February 28th, 1889, entitled an act to amend section one of an act approved February 6, 1885, entitled an act to amend section 4414 of the code;

Revision of laws.

Mr. Parks—

s. 477. To amend section 3253 of the code of Alabama;

Revision of laws.

REPORT OF CONFERENCE COMMITTEE

Mr. Williams, from a committee of conference, submitted the following report :

To the General Assembly of the State of Alabama :

Your committee of conference on the part of the house and senate, on house bill 225, have had the matter under consideration, and beg leave to report the following recommendations :

1. That the senate recede from senate amendments No. 2 and No. 4.
2. That the house concur in senate amendment No. 3.

Respectfully submitted,

DAN WILLIAMS,

J. R. COWAN,

Committee on part of senate.

W. S. LEWIS,

R. H. MOORE,

E. H. BUCK,

Committee on part of house.

The senate concurred in the foregoing report :

Yeas 20, nays 2.

Yeas—Mr. President, Bradley, Cowan, Davie, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Wiley, Williams—20.

Messrs. Berry and Smith of Mobile voted no.

MESSAGE FROM THE HOUSE.

Mr. President :

The house concurred in the senate amendments to the following bills :

- ii. 346. To incorporate the town of Edwardsville ;
- ii. 405. To incorporate the East Alabama Male and Female Institute, Notasulga, Alabama ;
- ii. 416. To incorporate the town of Luverne, in the county of Crenshaw, state of Alabama ;
- ii. 588. To amend section 8 of an act entitled an act to provide a new charter for the city of Tusculmbia, Colbert county, Alabama, approved February 28th, 1887 ;
- ii. 457. To prohibit placing mortgages or encumbrances on growing crops in Monroe county ;
- ii. 673. To provide for the levying and collecting a license tax on dogs in Macon and Lee counties ;
- ii. 480. To prevent the wrongful and illegal collection of money on farm produce as storage :

And non-concurs in the senate amendment to

ii. 141. To increase the jurisdiction of justices of the peace in Tuskaloosa, Macon, Morgan and Chilton counties ;

And has passed the bills :

s. 120. To incorporate the city of Ashville, in St. Clair county, Alabama ;

s. 11. To repeal an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 22nd, 1887 ;

s. 12. To repeal an act entitled an act to amend an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 25, 1889 ;

s. 55. To repeal section 4193 of the code, so far as the same relates to the county of Bullock, and county court, and provide for the transfer of the unfinished business in said court to the circuit court of said county ;

s. 340. To provide for the times of holding the circuit courts in the sixth judicial circuit of this state ;

s. 296. To amend section two of an act entitled an act to authorize the Macon and Birmingham Railroad company, a corporation under the the laws of Georgia, to construct, maintain and operate its railroad within the state of Alabama and do all other things needful for that purpose ;

And has amended, as therein shown, and as amended, has passed

s. 288. To provide for a vote of the people on the subject of a permanent location of the county site of Franklin county ;
And has concurred in the report of the conference committee on

ii. 369. To provide for elections in Jasper beat, Horse Creek beat, Day's Gap beat and Carbon Hill town in Walker county, Alabama, to determine whether or not the sale, giving away, or otherwise disposing of vinous, malt or spirituous liquors, in the incorporated towns now in said beats shall be prohibited.

Complying with the request of the senate, I am directed to return the house joint resolution, authorizing the attorney-general to inquire into the validity of a certain judgment rendered in the chancery court of Hamilton county, Tennessee.

The house has originated and passed the following bills :

ii. 586. To amend section nine (9) of an act entitled an act to incorporate the Pensacola, Andalusia, Union Springs and Chattanooga Railroad Company, approved February 28th, 1889 ;

ii. 784. To declare null and void certain sales of land made by the tax collector of Conecuh county in the year 1889, for taxes for the year 1888 ;

ii. 838. To amend an act to authorize the commissioners court of Calhoun county to levy a tax for working public roads of said county, and to let out said roads by contract, approved February 28th, 1889 ;

ii. 842. To prevent stock from running at large in the several beats, or parts of beats in Cherokee county, to authorize elections thereon, and to provide for building and maintaining fences and gates ;

ii. 871. To prohibit the sale, giving away, or otherwise disposing of any vinous, spirituous or malt liquors, or any intoxicating substance of any kind, within five miles of Arbor Springs Baptist church, in Tuskaloosa county ;

ii. 887. To authorize the construction of tramways, pole-roads, canals and ditches, by corporations, associations, partnerships and individuals, in Conecuh, Butler, Crenshaw and Covington counties ;

ii. 917. To establish the district court of Colbert and Lauderdale counties.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, the titles of which are set out in the foregoing house message, were severally read a first time and referred to appropriate committees as follows:

- II. 784, to judiciary;
- II. 917, to revision of laws;
- II. 838, 842, to local legislation;
- II. 871, to temperance;
- II. 586, 887, to municipal and county organizations.

The senate concurred in the house amendment to the senate bill 288, set out in the foregoing house message—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Davie, Downny, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—23.

The senate insisted on its amendments to house bill 141, and asked a committee of conference thereon.

The president appointed as the committee on the part of the senate, Messrs. Parker, Godfrey and Handley.

HOUSE JOINT RESOLUTION.

The house joint resolution, just received relative to authorizing the attorney general to examine into the validity of a certain judgment against the state, in Hamilton Co., Tennessee, for \$300,000,

was taken up, and the senate reconsidered the vote by which the resolution was concurred in.

Mr Stansel moved to refer the resolution to the judiciary committee.

On motion of Mr. Handley, the motion to recommit was laid on the table.

The senate refused to concur in the said resolution—yeas 0 nays 24.

Nays—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Minge, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—24.

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the foregoing message, and requested a committee of conference thereon.

The president appointed on said committee, Messrs. Parks, Godfrey and Handley.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house, having signed the following bills your signature thereto is requested:

H. 82. To preserve order at the Corn House camp ground, in the county of Randolph, Alabama, and Payne's Chapel camp ground, Lamar county, Alabama;

H. 109. To establish a new charter for the town of Pratt Mines, in Jefferson county;

H. 173. To amend sections 1, 7, 15, 16, 19, 21, 23 and 24, of an act entitled an act to establish a criminal court for the county of Pike, with criminal jurisdiction in misdemeanor cases, and to repeal sections eight and eighteen;

H. 217. To authorize the laying off the county of Pike into commissioners districts and providing for the election of commissioners by the qualified voters of the county;

H. 258. For the relief of M. A. Jennings, of Shelby county;

H. 370. To authorize the mayor and city councilmen of Anniston to issue bonds of said city for an amount not exceeding fifty thousand dollars for the purpose of purchasing land and erecting and equipping school buildings thereon;

H. 588. To amend section eight of an act entitled an act to provide a new charter for the city of Tuscumbia, Colbert county, Alabama, approved February 28, 1887;

H. 435. To provide for an additional judge of the supreme court of Alabama;

H. 673. To provide for the levying and collecting a license tax on dogs in Macon county;

H. 457. To prohibit placing mortgages or encumbrances on growing crops in Monroe county;

And Joint Resolution,

Requesting the senators and representatives of Alabama in congress to secure an appropriation for opening the Sipsey river.

B. F. ELMORE,
Clerk.

ii. 661. To legalize the purchase of a ferry across the Chattahoochee river by the town of Columbia, Henry county, Alabama, and to authorize said town to run or operate the same.

By Mr. Wiley, from military, favorably,

s. 468. To cede to the United States jurisdiction over the lands of Mt. Vernon Barracks and Fort Morgan.

By Mr. Cowan, from temperance, favorably,

ii. 660. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within three miles of Adoniram church, in beat 5, Henry county, Alabama;

ii. 461. To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, or other intoxicating drinks within three miles of the Methodist church, or school house, at Olney, Pickens county, Alabama.

By Mr. Milner, from a special committee, favorably,

ii. 609. To amend an act entitled an act "to expedite the trial of capital cases in Jefferson county."

By Mr. Haralson, from local legislation, favorably, with a substitute,

s. 371. To allow J. D. McCormick of Calhoun county, to peddle without license.

By Mr. Milner, from internal improvements, favorably, with an amendment,

ii. 531. To ratify and confirm the organization of the Birmingham and Atlantic Railroad Company, and to confirm and amend the charter thereof.

The senate proceeded to consider which was

THE SPECIAL ORDER,

The bill,

s. 67. To receive and appropriate the moneys granted to the state of Alabama, by the act of congress, approved August 30th, 1890, entitled "an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts etc., and for other purposes.

And, on motion of Mr. Hundley, the senate laid on the table the said bill, and proceeded to consider instead thereof.

The bill,

ii. 210. To receive and appropriate the moneys granted to the state of Alabama, by act of congress, approved August 30th, 1890, entitled "an act to apply a portion of the proceeds

of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, &c.," and for other purposes.

Mr. Hundley moved to strike out "the state of," in section 1, line 1.

Carried.

Mr. Wiley offered an amendment as follows :

Strike out the words, "Huntsville State Colored, Normal and Industrial school," where they occur in the 3rd section of the bill, and insert in lieu thereof the words, "The State Normal School at Montgomery."

On motion of Mr. Hundley, the amendment was laid on the table—yeas 23, nays 3.

Yeas—Mr. President, Bradley, Cowan, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—23.

Messrs. Downey, Parks and Wiley voted no.

The bill was read a third time and passed—yeas 25, nays 3.

Yeas—Mr. President, Berry, Cowan, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Williams—25.

Messrs. Downey, Parker, and Wiley, voted no.

The bill,

s. 221. To provide for the apportionment of the school fund in this state by the superintendent of education,

Was, on motion of Mr. Skeggs, laid on the table.

On motion of Mr. Downey, the senate proceeded to consider

The bill,

ii. 504. To regulate the apportionment of the school fund in this state by the superintendent of education.

Mr. Skeggs offered an amendment, which was adopted, as follows :

Amend by excepting Morgan, Winston, Cullman, Blount, Jackson, Marshall, DeKalb, Mobile, Madison, Calhoun, Coffee, Geneva, Dale, Henry, from the bill.

On motion of Mr. Downey, the bill was postponed and made a special order for Monday at twelve o'clock, and fifty copies of bill and amendment, ordered printed for the use of the senate.

The bill,
s. 289. To designate the officers at the penitentiary walls and to provide for their appointment, removal and compensation,

Was taken up.

Mr. Skeggs offered an amendment, which was adopted, as follows:

Add to section one the words: "Provided the office of turnkey be and the same is hereby abolished."

Mr. Skeggs offered 2nd amendment, and pending its consideration.

RECESS.

At 1 o'clock p. m., the senate took a recess until 4 o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at 4 o'clock p. m.;

A quorum present;

And resumed consideration of the bill,

s. 289. To designate the officers at the penitentiary walls and to provide for their appointment, removal and compensation.

And the pending amendment offered by Mr. Skeggs, was lost.

The bill was read a third time and passed—yeas 17, nays 2.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Minge, Parker, Parks, Smith of Autauga, Stansel, Steagall—17.

Messrs. Nesmith and Skeggs voted no.

BILLS ON THIRD READING.

The bill,

H. 691. To create a separate school district in Cherokee county, and to define the boundaries thereof,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Block, Davie, Downey.

Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—21.

The bill,

H. 813. To provide for the levy, assessment and collection of taxes in the counties of Chambers and Pickens for the years 1891 and 1892,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Parker, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—18.

The bill,

H. 534. For the relief of Susan Rudder, a teacher in the public schools, in township 2, range 8, in Jackson county,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Davie, Downey, Grant, Godfrey, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Parker, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—19.

The bill,

H. 562. To establish in the state a school for the education of the deaf mute and blind children of the negro race,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parker, Skeggs, Smith of Autauga, Stansel, Steagall—17.

The bill,

H. 839. To authorize the mayor and board of aldermen of the town of Eutaw to pass an ordinance regulating the business of selling, or offering for sale in said town, any second hand or pawnbrokers goods, wares, and merchandise, and to fix a license therefor, and a penalty for violation of same,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—21.

The bill,

H. 448. To authorize the mayor and aldermen of the town of Attalla, in Etowah county, to issue bonds of said town for the purpose of providing said town with gas or electric lights and water, building and constructing sewers, building school

houses, and to create a board of commissioners to manage, control and invest the proceeds of said bonds,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Nesmith, Parker, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—18.

The bill,

H. 597. For the relief of A. B. Byrd, sheriff of Dale county, Alabama, for the removal of prisoners from Georgia and Florida, in the year 1890,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Lackey, Nesmith, Parker, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—18.

The bill,

H. 719. To authorize an election in Bibb county, to ascertain whether a bridge across the Cahaba river, in said county, shall continue a toll bridge or be made a free bridge.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stansel, Steagall—18.

The bill,

H. 685. To refund license money to J. C. Bangham of Tallapoosa county,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Nesmith, Parker, Smith of Autauga, Stallworth, Stansel, Steagall—18.

The bill,

S. 404. To relieve Mrs. Willie E. Lake, a minor, from the disabilities of non-age,

Was read a third time and passed—yeas 19, nays 1.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hays, Inzer, Lackey, Milner, Parker, Parks, Smith of Autauga, Stansel, Steagall—19.

The President voted no.

The bill,

S. 394. To authorize the county of Clarke to borrow money

and issue bonds for the purpose of building a court house for the use of said county at Grove Hill, or other place at which it may be determined to build said court house,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stansel, Steagall—23.

The bill,

II. 599. To repeal an act entitled an act to prohibit stock from running at large in a portion of Dallas county, approved February 13th, 1883, so far as the same applies to Dublin beat,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Nesmith, Parker, Smith of Autauga, Stallworth, Stansel, Steagall—17.

The bill,

s. 419. To authorize the mayor and council of Troy, in Pike county, to erect and maintain, or otherwise provide a system of water works for the city of Troy, and issue bonds in payment thereof in an amount not exceeding fifty thousand dollars,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Parker, Parks, Skeggs, Smith of Autauga, Stansel, Steagall—20.

The bill,

s. 426. To declare Oak Mill fish pond, in Lawrence county, an artificial pond,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Stansel—18.

On motion of Mr. Milner, the bill,

s. 445. To loan and appropriate the two and three per cent. fund now in the treasury,

Was postponed and made a special order for Monday at 12 o'clock.

The bill,

s. 415. To authorize Gadsden Lodge No. 236 A. F. and A.

M. to issue bonds to build a Masonic temple in the city of Gadsden, in this state,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Harris of Lee, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—22.

The bill,

s. 395. To prevent stock from running of large in the several beats or districts in Marengo county, and to authorize an election thereon,

Was read a third time and passed—yeas 23, nays 0.

Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Hayes, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—23.

The bill,

s. 367. To regulate hunting, catching and killing wild hogs in Morgan county, Alabama,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—22.

The bill,

s. 368. To prevent fence-breaking cattle from running at large,

Was taken up.

Mr. Davie offered an amendment, which was adopted as follows:

Provided, the provisions of this act shall not apply to Barbour county.

Mr. Downey moved to except Perry county from the bill;

Carried.

Mr. Milner moved to except Shelby, Walker, Jefferson, Randolph, Chambers;

Adopted.

On motion of Mr. Skeggs the bill was indefinitely postponed.

The bill,

s. 376. To create a lien in favor of the owners or keepers of pastures in Dallas county for the payment of their charges for keeping and pasturing stock.

Was taken up.

Mr. Nesmith moved to amend so as to include Tuskalooza county in the bill;

Adopted.

Mr. Harris of Lee moved to amend so as to include the county of Lee in the bill;

Carried.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Downey, Grant, Godfrey, Harris of Lee, Hayes, Milner, Nesmith, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Williams—17.

The bill,

ii. 186. To amend sub-division 18 of section 137 of the code,

Was taken up.

Mr. Handley offered an amendment, which was adopted as follows:

“Provided, that the provisions of this act shall not take effect until after September 1st, 1891.”

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Godfrey, Handley, Harris of Lee, Inzer, Lackey, Milner, Parks, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall—19.

JOINT RESOLUTION.

By leave Mr. Grant offered a joint resolution requesting the governor to return senate bill 247:

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled:

s. 34. To extend the Geological and Agricultural Survey of the state of Alabama;

s. 288. To provide for a vote of the people on the subject of a permanent location of the county site of Franklin county;

s. 174. To create a new charter for the town of Jacksonville.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house having signed the following bills, your signature thereto is requested, viz.:

II. 369. To provide for elections to be held in beat No. 1, and the towns of Day's Gap and Carbon Hill, in Walker county, Alabama, to determine whether or not the sale, giving away or otherwise disposing of malt, vinous or spirituous liquors shall be lawful within the incorporate limits of Jasper, Day's Gap and Carbon Hill ;

II. 498. To declare the true intent and meaning of an act approved February 19th, 1889, and entitled an act to amend an act entitled an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the state of Alabama ;

II. 537. To amend an act entitled an act to incorporate the town of Newport, approved February 12th, 1879, by adding the following additional sections to said act incorporating said town :

II. 468. To amend sections three, seven and twenty-four of an act to incorporate the city of Jenifer, Alabama, approved February 28th, 1889 ;

II. 231. To repeal an act entitled an act to increase the criminal jurisdiction of justices of the peace and notaries public having like powers in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, approved February 8th, 1877, so far as the same relates to Walker county ;

II. 222. To require county administrators to keep a book of record, and to make such book of record free for examination of all persons ;

II. 634. To amend section one of an act to establish partial stock law districts in Talladega county so as to include precincts seven, eight, eleven, and all of that part of two lying east of the Jackson Trace Road and beat No. 3 and sections 6 and 7 and N. $\frac{1}{2}$ of section 5 in beat No. 13, township 20 and range 5 in said county ;

II. 542. To authorize the election of four commissioners for the court of county commissioners of Chilton county and to direct the court of county revenues of the said county to turn over and deliver the records and papers on file in said court to the court of county commissioners of said county of Chilton ;

II. 528. To repeal an act entitled an act to amend an act to regulate the fees of officers of court against the fine and forfeiture fund of Wilcox county;

II. 327. To fix the fees of the circuit clerk of Hale county;

II. 119. To promote the comfort of passengers on railroad trains;

II. 319. To ratify and amend the charter of the Security Bank of Alabama;

II. 602. For the relief of A. G. Franklin, ex-sheriff of the county of DeKalb, state of Alabama;

II. 616. For the relief of the estate of John R. Dicken, deceased;

II. 824. To incorporate the "Alabama Street Presbyterian Church," located in Selma, Alabama;

II. 405. To incorporate the East Alabama Male and Female Institute, Notasulga, Alabama;

II. 480. To prevent the wrongful and illegal collection of money on farm produce as storage;

II. 416. To incorporate the town of Laverne in the county of Crenshaw.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message and report of enrolled bills.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has adopted the joint resolution, herewith sent, relative to requesting the governor to return house bill 457 to the senate,

And has originated and ordered to the senate without engrossment:

II. 890. To ratify and confirm the subscriptions to and organization and incorporation of the Gulf Coke and Coal Company and to enlarge the power of said company;

And has originated and passed the following bills :

II. 20. To prevent the keeping of cock-pits and publicly fighting cocks in the state of Alabama;

II. 308. To finally dispose of lands which have been sold for its taxes and bid in for the state;

II. 752. To protect the public property at Hayneville ;

II. 870. To permit and provide for the incorporation of separate school districts in the county of Tuskaloosa ;

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once and referred to appropriate committees as follows :

II. 20, to agriculture ;

II. 308, to finance ;

II. 752, to local legislation ;

II. 870, to education ;

II. 890, to internal improvements.

The senate concurred in the house joint resolution, requesting the return by the governor of house bill 457.

ADJOURNMENT.

At 6 o'clock p. m. the senate adjourned.

FORTY-SECOND DAY.

SATURDAY, Feb. 7th, 1891.

The house met pursuant to adjournment.

Prayer by the Rev. Mr. Thompson of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Smith of Mobile, Stansel, Williams—24.

The journal of yesterday was approved without being read.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted Messrs. Steagall and Harris of Hale on account of sickness, and to Mr. Skeggs for one day.

CALL OF DISTRICTS.

Bills were introduced, read once, and referred to appropriate committees, as follows:

By Mr. Hayes—

s. 478. To incorporate the Limestone County Oil and Gas Company;

Municipal and county organizations.

Mr. Nesmith—

s. 479. To repeal an act to amend section 1319 of the code, (mode of obtaining license to retail), approved February 28th, 1889, so far as the said act relates to Courtland, in Lawrence county;

Temperance.

Mr. Davie—

To regulate the collection and disbursement of the poll-tax fund;

Education.

Mr. Hundley—

s. 481. To authorize the commissioners of the Huntsville Colored Normal School to sell the real property of the school located on Clinton street in the city of Huntsville, Alabama, and re-invest the proceeds of such sale in real estate in or near the city of Huntsville;

Judiciary.

Mr. Hayes—

s. 482. To confirm the incorporation and organization of the Alabama Banking and Trust Company, and to increase and enlarge the powers of said company;

Local legislation.

Mr. Bloch—

s. 483. To divide the state of Alabama into nine congressional districts.

Mr. Milner—

s. 484. To prevent combinations or pools of insurance companies or other agents tending to defeat or lessen com-

petition in the business of insurance in the state of Alabama;

Internal improvements.

Mr. Bloch moved to refer s. 483 to a special committee, consisting of five members.

Mr. Milner moved to refer said bill to a regular standing committee;

Lost.

The motion to refer to a special committee was lost.

On motion of Mr. Milner the bill was laid on the table.

Yeas 18, nays 6.

Yeas—Mr. President, Bradley, Berry, Cowan, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Stallworth, Stansel, Williams—18.

Nays—Mr. Bloch, Davie, Harris of Lee, Parker, Smith of Autauga, Smith of Mobile—18.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, February 7, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,

Private Secretary.

The governor's message was read as follows :

CHIEF EXECUTIVE OFFICE,

MONTGOMERY, ALABAMA,

February 7th, 1891.

To the General Assembly :

Since the special message, which I had the honor to submit to you on the 9th of December, I have had an opportunity to make a personal inspection of the penitentiary and its needs.

I found on visiting the hospital wards, for both black and

white, patients in the last stages of consumption in the same room with other sick; a condition of things which is to be deplored, as it is a violation of all the laws of hygiene. The only excuse for this reproach upon the state's humanity is the fact that the inspectors have done the very best they could, with the accommodations and means at their disposal.

I found a considerable number of women, both white and black, huddled in a small and restricted space inside the walls, which does not give them room for exercise; to say nothing of the objection that it is an improper place for them, surrounded as they are by a number of male convicts which makes it exceedingly difficult for the officers to prevent improper communication between them.

I found the water supply entirely insufficient. The inspectors have done the very best they could in providing privies with portable tubs, which are changed three times a day; but this is expensive and not promotive of health or cleanliness. A proper supply of water would avoid all this, and add greatly to the health of the convicts. This supply can be obtained by the purchase or condemnation of a spring about a thousand yards from the walls. It will cost to do this and convey water in the penitentiary about \$1,500. This would supply a very urgent want, and would also add greatly to the security of the place against fire.

Back of the penitentiary walls is a small strip of land between the state lands and the river, which for police and other purposes, ought to be owned by the state. When the Coosa river is opened this land will be valuable for wharf purposes. On the north end, the private property of Mr. Thomas reaches within 50 feet of the penitentiary walls, and on the south end, the property of Mr. Jenkins reaches to within 50 yards of the penitentiary walls. Heretofore, the state has been compelled to rent land; and if the owners of the lands should refuse to rent, the state would be put to loss by having to send hands a long distance before they could find suitable lands.

There are always at the walls a number of men and women who cannot be hired out, and boys under 15 years of age who cannot be sent to the mines, but who can be used in farm work and do much to their own support. Owing to the fact that the state has no lands nearby of its own, it has been compelled to work these people on shares with neighboring farmers, and on rented lands on its own account.

This labor could be better utilized and made more valuable, and the convicts insured better care if the state had accessible lands of its own where they could be worked. There should also be some land upon which the women could be quartered and worked.

These are some of the reasons, which in my judgment and that of the board of inspectors, make it absolutely necessary that authority should be given to purchase lands and improve the condition at the walls, as stated in my special message of the 9th December.

There was a further purpose in the change proposed of testing by practical experience the uses to which convicts could be put at the walls, to make them self-sustaining, and the taking of some practical steps looking to the gradual abandonment of the lease system, in the future.

Twenty thousand dollars, the amount asked for, in view of the uses to which it is to be put, is as small an amount as is practicable to get along with, in view of the wants and necessities of the penitentiary.

There is a bill in the house to be entitled "an act to improve the penitentiary and convict system of Alabama," which was reported as a substitute for other bills by the house committee on penitentiary and criminal administration. It has the earnest and hearty approval of the executive; and I respectfully urge upon you that its passage, with the amendments which have already been adopted to it, and one which I have asked to be proposed, (to remove any doubt as to the amount which would be appropriated by this bill and others now pending on the same subject) will be as wise a step as is possible under existing circumstances, and in a measure answer the demands of the people for some practical steps, looking to the gradual abolishment of the lease system.

AMENDMENT TO CONSTITUTION.

That the constitution needs amending is generally conceded. The difference in opinion is as to how this shall be accomplished. My views as to the matters wherein amendment is necessary and the best mode of adopting them were stated at length in my inaugural address, wherein I recommended that a joint committee of the two houses be authorized to sit during the recess, to consider and report for the

action of the general assembly on its reassembling, amendments to be submitted to the people. This recommendation was not concurred in.

While the session is drawing to a close there is yet time for the general assembly to propose needed amendments; or if that be deemed inadvisable to determine whether to submit to the people the question of holding a convention for the purpose of revising the constitution. To remove any misapprehension, I deem it not improper in this connection to say, that while I do not favor the holding of a convention, yet if the general assembly in its wisdom shall see fit to submit that question to the people, the executive will not be an obstacle to the passage of any act for that purpose, which provides that the work of the convention shall be submitted to the people for their approval.

THOS. G. JONES,
Governor.

On motion of Mr. Godfrey, the governor's message was laid on the table and 100 copies ordered printed for the use of the senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills:

H. 180½. To amend an act entitled an act to require the county commissioners of Conecuh county to procure printed blank forms of certain conveyances and printed blank record books in conformity therewith, for the use of and distribution by the probate judge of said county, and to regulate the fees for recording the same;

H. 482. To require the amount of all special taxes for building or repairing bridges and causeways and repairing court house or jail, levied and collected by Crenshaw county in excess of the amount actually needed at the time for such special purposes for which such taxes were levied and collected, to be kept in the county treasury, separate and apart from all other funds, and to be used only for the special purposes for which it was levied and collected;

H. 786. To amend section 4 of an act to amend and ratify the charter of the Selma and Cahaba Valley Railway Company, approved February 21, 1887;

H. 985. To amend section 3 of an act entitled an act to

provide for the more efficient working of the public roads in the county of Talladega, approved December the 9th, 1886, and section 4 of an act entitled an act to amend sections 20, 21, 22 and 26 of an act to provide for the more efficient working of the public roads in Talladega county, and approved February 13, 1889 ;

ii. 617. For the relief of parties whose lands have been sold for taxes ;

ii. 601. To make an appropriation for the expenses of encampments of Alabama State Troops for the years 1891 and 1892 ;

ii. 622. To amend sections 4068 and 4069 of the code of Alabama ;

ii. 693. To authorize the commissioners court of Covington county to set aside a special tax for the pay of grand and petit juries in said county ;

ii. 723. To incorporate Lineville College, at Lineville, Clay county, Alabama ;

ii. 876. To authorize the commissioners courts of Choctaw and Clarke counties to establish districts in which stock may be prevented from running at large ;

ii. 757. To create a new county of portions of Clarke, Marengo and Wilcox counties, said new county to be called the county of Herndon ;

ii. 1056. To provide clerical assistance for the supreme court ;

And has concurred in the senate amendments to the following bills :

ii. 38. To provide for the maintenance and support of the public schools of Jefferson county, Alabama ;

ii. 84. To prohibit pools, trusts or combines to regulate or control the prices of produce, or goods, wares and merchandise in this state :

ii. 106. To incorporate the Alabama State Mining and Manufacturing Company ;

ii. 210. To receive and appropriate the moneys granted to the state of Alabama by act of congress, approved August 30, 1890, entitled an act to apply a portion of the proceeds of the public laads to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts," &c., and for other purposes ;

And accedes to the request of the senate for a committee of conference on

ii. 141. To increase the jurisdiction of justices of the peace in Tuscaloosa, Blount, Crenshaw, Fayette, Cherokee, Macon, Morgan and Chilton counties;

Committee on part of the house: Messrs. Foster, Pettus and Smith of Russell.

And has concurred in the report of the conference committee on the bill,

ii. 225. To protect and regulate the time and manner of catching and taking fish from and in the waters of the state of Alabama in the counties of Mobile and Baldwin;

And has amended and passed

s. 118. To dissolve garnishments in cases where the defendant executed bond to plaintiff;

And has passed

s. 298. To amend sections 1, 3 and 9 of an act entitled an act to incorporate the Montgomery and Sylacauga Railroad Company, approved February 11th, 1889;

And has adopted the senate joint resolution relative to Saffold Berney being permitted to have printed from the engraved plates of the geological survey of the state of Alabama, copies thereof to insert in his handbook;

And has concurred in the senate joint resolutions requesting the return by the governor of s. 247, and s. 174.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, the titles of which are set out in the foregoing message, were severally read a first time and referred to appropriate committees, as follows:

ii. 1056, to judiciary;

ii. 617, to finance;

ii. 622, to revision of laws;

ii. 180½, 482, 985, 693, to local legislation;

ii. 876, to agriculture;

ii. 786, 723, 757, to municipal and county organizations;

ii. 601, to military.

The senate postponed informally the senate bill 118 set out in the foregoing house message.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, February 7th, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing with accompanying documents.

J. K. JACKSON,
Private Secretary.

The governor's message was read as follows :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, Feb. 7, 1891.

To the Senate :

In compliance with joint resolution certified to me this day, I herewith return house bill 457.

THOS. G. JONES,
(Governor.

PRIVILEGED QUESTION.

On motion of Mr. Parks, the senate reconsidered the vote by which it passed the bill ;

h. 457. To prohibit placing mortgages or incumbrances on growing crops in Monroe county.

On motion of Mr. Parks, the senate reconsidered the vote by which the bill was ordered to a third reading.

Mr. Parks offered an amendment, which was adopted.

The bill was then read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Handley, Haralson, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Williams—17.

MESSAGE FROM THE HOUSE.

Mr. President :

The speaker of the house, having signed the following bills, your signature thereto is requested :

h. 38. To provide for the better maintenance and support of the public schools of Jefferson county, Alabama ;

h. 84. To prohibit pools, trusts or combines to regulate or control the prices of produce, goods, wares, or merchandise in this state ;

h. 106. To incorporate the Alabama State Mining and Manufacturing Company ;

h. 210. To receive and appropriate the moneys granted to the state of Alabama by act of congress, approved August 30th, 1890, entitled an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, &c., and for other purposes ;

h. 332. To incorporate the town of Seale, in the county of Russell.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows :

By Mr. Stansel, from the judiciary, favorably,

s. 358. To empower William C. Ward as administrator of the estate of John B. Boddie, deceased, to sell the property of said estate without order of court and to borrow money by mortgaging the property of said estate to pay debts ;

h. 254. To amend section 4429 of the code of Alabama ;

By Mr. Handley, from finance favorably,

h. 649. To refund to William Mastin of Elmore county,

thirty-one and 75-100 dollars wrongfully paid by him as taxes to the state;

Also, with amendment,

II. 538. To appropriate the sum of fifteen thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof.

By Mr. Parks, from revision of laws, favorably,

s. 477. To amend section 3253 of the code of Alabama;

s. 457. To amend section 4069 of the code of Alabama;

Also, favorably, with amendment,

II. 481. To provide for the support of the indigent soldiers and sailors of the late confederate states army and navy who are bona fide citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama.

By Mr. Lackey, from municipal and county organizations, favorably, with amendment,

II. 276. To confirm the charter of the Birmingham Building and Loan Association, to define and declare the powers to provide for the increase of the capital stock and to extend the time within which said association shall continue to exist as a corporation;

Also, favorably,

s. 461. To ratify the consolidation of the Mobile and Mississippi River Railroad Company with the Mississippi River and Mexican Gulf Railroad Company under the name of the Mobile, Wesson and Mississippi River Railroad Company;

s. 449. To authorize the mayor and aldermen of the town of New Decatur, in Morgan county, Alabama, to divide the town of New Decatur into wards;

II. 312. To amend an act entitled an act to incorporate the town of Gordon in Henry county, Alabama, approved February 1st, 1872.

By Mr. Milner, from internal improvements, favorably,

s. 475. To incorporate the Commercial Savings Bank of Birmingham, Alabama;

II. 551. To confer additional powers upon the Jasper Land Company, a corporation, whose charter was ratified and confirmed by an act of the general assembly of Alabama, approved February 27th, 1889, for the purpose of enabling the said Jasper Land Company to enhance the value of its property;

II. 890. To ratify and confirm the subscription to and or-

ganization and incorporation of the Gulf Coke and Coal Company, and to enlarge the powers of said company;

II. 559. To ratify and confirm the agreement of consolidation made by and between the Jefferson Iron Company, and the Irondale Company of Jefferson county;

II. 630. To declare the Black Warrior river a navigable stream within the limits of Walker county, and to prohibit the obstruction of the same;

II. 846. To provide for the disposition of certain swamp and overflowed indemnity lands and swamp and overflowed indemnity lands belonging to the state, and to provide for the appropriation of the moneys arising therefrom;

II. 270. To authorize the purchasers of a street railroad at a judicial sale, or other sale by authority of law, to authorize as a corporation.

By Mr. Lackey, from municipal and county organizations, favorably,

II. 130. To confirm and amend the charter of the New Decatur Terminal Company.

By Mr. Godfrey, from penitentiary, favorably,

S. 469. To authorize the governor to cause to be instituted in the name of the state, proceedings for the acquirement by condemnation of any lands, right of way or material needed for the use of the penitentiary, or the maintenance or operation of the hard labor system of the state;

Also, with an amendment,

II. 256. To amend section one of an act to prohibit the sale, or giving away of spirituous or vinous liquors within one mile of Spring Hill church, in Pike county, Ala., approved February 25th, 1875.

By Mr. Grant, from printing, favorably,

II. 362. To authorize payment of account of The Brown Printing company.

By Mr. Stallworth, from privileges and elections, adversely,

II. 151. To provide for a vote of the people on the question of the removal of the court house of Crenshaw county, Ala., to Laverne, and providing for such removal if the people so decide.

By Mr. Milner, from internal improvements, favorably with amendment,

S. 470. To ratify and amend the charter of the Alabama Trust and Savings Company.

By Mr. Stansel, from judiciary, with an amendment,

s. 443. To provide for the payment of costs of appeal in criminal cases;

Also, favorably,

ii. 148. To amend an act to establish the city court of An-niston, approved February 25th, 1889, by amending certain sections thereof.

By Mr. Inzer, from municipal and county organizations, favorably,

ii. 707. To incorporate the town of Springville with the boundaries hereinafter designated, and to establish a new charter for said town;

By Mr. Stallworth, from municipal and county organizations, favorably,

ii. 887. To authorize the construction of tramways, pole-roads, canals and ditches by corporations, associations, partnerships and individuals in Conecuh, Butler, Crenshaw, and Covington counties.

By Mr. Handley, from finance, favorably with a substitute,

s. 459. To provide for the collection, arrangement and display of the products of the state of Alabama at the World's Columbian Exposition of 1893, and to make an appropriation therefor.

On motion of Mr. Hundley, the last named bill was made a special order for Monday at 12 o'clock, and one hundred copies ordered printed for the use of the senate.

BILLS ON THIRD READING.

The bill,

ii. 324. To incorporate the Fayette Alliance Union, at Fayette, Fayette county, Alabama,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Milner, Minge, Nesmith, Parks, Smith of Autauga, Stallworth, Stansel—19.

The bill,

ii. 450. To prevent hunting or fishing, entering upon or trespassing upon certain lands on the Black Warrior river in Greene county, in townships twenty and twenty-one, and ranges two and three, east, after the owner or person in possession thereof shall have forbidden the same by notice posted on the lands, or by publication in a newspaper published in said county,

Was taken up.

On motion of Mr. Lackey Tallapoosa county was included in the provisions of the bill.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Downey, Handley, Haralson, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parks, Smith of Autauga, Stallworth, Stansel—18.

The bill,

s. 379. To prevent the spread of the disease commonly known as “glanders” among horses,

Was taken up, and the pending amendment adopted as follows:

Amend by adding section 2: Be it further enacted, that justices of the peace and notaries public with jurisdiction of justices of the peace, shall have concurrently with circuit, city and county courts, jurisdiction of offenses under this act, and the solicitor's fee for each conviction under the same shall be ten dollars.

Mr. Nesmith moved to insert “by him” after “known;”

Carried.

Mr. Davie moved to insert after “horses” the words “mules or any other animal subject to said disease.”

Mr. Harris of Lee moved to lay the bill on the table;

Lost.

Yeas 4, nays 16.

Yeas—Mr. Harris of Lee, Hayes, Lackey, Stansel—4.

Nays—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Handley, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile—16.

The bill was read a third time and passed—yeas 21, nays 2.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel—21.

Messrs. Hayes and Lackey voted no.

The bill,

s. 421. To change the corporate name of the Alabama Loan and Banking Company of Florence, Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel—20.

The bill,
s. 345. To incorporate the Pan-American Transportation Company and to define its powers,

Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bloch, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel—18.

The bill,

s. 468. To cede to the United States jurisdiction over the lands at Mt. Vernon Barracks and Fort Morgan,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Williams—19.

The bill,

s. 362. To incorporate the Mobile Point, West India Island and South American Steamship Company,

Was taken up and the pending amendment adopted.

Mr. Milner offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stansel, Williams—19.

The bill,

s. 382. For the relief of persons who have paid for and taken out a liquor license for the year 1891, improperly,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. Bradley, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parker, Smith of Autauga, Smith of Mobile, Stallworth, Williams—20.

The bill,

s. 108. To amend sections 2567 and 3338 of the code of Alabama,

Was taken up and the pending amendment adopted as follows:

Amend by striking out the words "2567" and the word "and," where they occur in caption and body of the bill;

Also, by striking out first section of the bill and numbering section 2 as section 1.

Mr. Haralson offered an amendment, which was adopted.

Mr. Harris of Lee moved to lay the bill on the table ;

Lost.

Mr. Hargrove (Mr. Handley presiding) offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel—20.

The bill,

s. 448. To create a lien in favor of hotel keepers,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—22.

The bill,

s. 423. To fix the time of holding the circuit courts in the counties of Randolph and Bibb in the fifth judicial circuit of the state of Alabama,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parks, Smith of Autauga, Smith of Mobile, Stansel, Williams—22.

The bill,

s. 446. To amend section two of an act entitled an act to amend the charter of the Stonewall Insurance Company of Mobile, and extend the provisions thereof, approved February 17, 1885,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—24.

The bill,

ii. 571. For the relief of the estate of James Hunter, deceased,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Handly, Haralson, Hundley, Inzer, Lackey,

Milner, Minge, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—22.

The bill,

ii. 407. To regulate the fine and forfeiture fund of Conecuh and Escambia counties and the disposal of moneys arising from fines, forfeitures and convict labor in said counties,

Was taken up.

Mr. Stallworth offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Parker, Parks, Smith of Autauga, Stallworth, Stansel, Williams—20.

RECESS.

At 1:30 o'clock p. m., the senate took a recess until 4 o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at 4 o'clock p. m.;
A quorum present.

PRIVILEGED QUESTION.

Mr. Hayes rose to a question of privilege and moved to reconsider the vote by which the senate laid on the table senate bill 483.

On motion of Mr. Milner the motion to reconsider was tabled.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled :

Senate joint resolution authorizing the governor to issue certain bonds to the South and North Alabama Railroad Company;

s. 234. To provide for the election of county superintendent of education of Autauga county;

s. 340. To provide for the times of holding the circuit courts in the sixth judicial circuit of this state;

s. 11. To repeal an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 22nd, 1887;

s. 303. To incorporate the Black Warrior Railroad Company and to further the construction of a railroad;

s. 55. To repeal section 4193 of the code, so far as the same relates to the county of Bullock, and county court, and provide for the transfer of the unfinished business in said court to the circuit court of said county;

s. 53. In relation to the admission of insane criminals into the Alabama Insane Hospital;

s. 12. To repeal an act entitled an act to amend an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 25, 1889;

s. 296. To amend section two of an act entitled an act to authorize the Macon and Birmingham Railroad company, a corporation under the laws of Georgia, to construct, maintain and operate its railroad within the state of Alabama and do all other things needful for that purpose, approved February 27th, 1889;

s. 298. To amend sections 1, 3 and 9 of an act entitled an act to incorporate the Montgomery and Sylacauga Railroad Company, approved February 11th, 1889;

s. 60. To amend and extend the charter of the Commercial Bank of Selma, and to amend an act entitled an act to incorporate the Selma Savings Company, approved December 10th, 1864, and an act entitled an act to incorporate the Selma Savings Company, approved February 23rd, 1866, and an act entitled an act to change the name of the Selma Savings Company to the Selma Savings Bank, approved January 28th, 1870, and an act entitled an act to change the name of the Selma Savings Bank to the Commercial Bank of Selma, approved February 10th, 1879.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house, having signed the following bills, your signature thereto is requested:

II. 691. To create a separate school district in Cherokee county and to define the boundaries thereof;

II. 186. To amend sub-division 18 of section 137 of the code;

II. 346. To incorporate the town of Edwardsville;

II. 534. For the relief of Susie Rudder, a teacher in the public schools, in township 2, range 8, in Jackson county;

II. 719. To authorize an election in Bibb county, to ascertain whether a bridge across the Cahaba river in said county shall continue a toll bridge or be made a free bridge;

II. 562. To establish in this state a school for the education of the deaf mute and blind children of the negro race;

II. 685. To refund license money to J. C. Bangham of Talapoosa county;

II. 599. To repeal an act entitled an act to prohibit stock from running at large in a portion of Dallas county, approved February 13th, 1883, so far as the same applies to Dublin beat;

II. 839. To authorize the mayor and board of aldermen of the town of Eutaw to pass an ordinance regulating the business of selling, or offering for sale in said town, any second hand or pawnbrokers goods, wares, or merchandise, and to fix a license therefor, and a penalty for violation of same;

II. 448. To authorize the mayor and aldermen of the town of Attalla, in Etowah county, to issue bonds of said town for the purpose of providing said town with gas or electric lights and water, building and constructing sewers, building school houses, and to create a board of commissioners to manage, control and invest the proceeds of said bonds;

II. 597. For the relief of A. B. Byrd, sheriff of Dale county, Alabama, for the removal of prisoners from Georgia and Florida in the year 1890;

II. 813. To provide for the levy, assessment and collection of taxes in the counties of Chambers and Pickens for the years 1891 and 1892.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills the titles of which are set out in the foregoing house message, and report of committee on enrolled bills.

MESSAGE FROM THE HOUSE.

Mr. President :

The governor having returned to the house senate bills 174 and 247, the house returns to the senate

s. 174. To create a new charter for the town of Jacksonville ;

And, by unanimous consent, has reconsidered the vote by which

s. 247. To incorporate the Cotton States Telephone and Telegraph Company,

Passed the house, and amended, and, as amended, passed said bill.

The house has adopted the joint resolution herewith sent, relative to the appointment of a joint committee to prepare an Omnibus Prohibition Bill.

Committee on part of the house—Messrs. Lee of Conecuh, Kemp and Blackwell.

And has originated and passed, and ordered forthwith to the senate without engrossment, the bills,

ii. 545. To require the commissioners court of Jefferson county to pay for assistance to the solicitor for said county in suppressing crime, out of certain funds in the county treasury ;

ii. 825. For the relief of the estate of Mary W. Hunter.

BENJ. F. ELMORE,

Clerk.

HOUSE MESSAGES.

The house bills, the titles of which are set out in the foregoing house message, were severally read a first time, and referred to appropriate committees as follows :

ii. 825, to local legislation ;

ii. 545, to internal improvements.

The senate concurred in the house amendment to the senate bill 247, set out in the foregoing house message.

Yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Minge, Smith of Mobile, Stallworth, Stansel, Williams.

The senate concurred in the house joint resolution set out in the foregoing house message, and the president appointed as the committee on the part of the senate, Messrs. Cowan, Harris of Lee, and Haralson.

BILLS ON THIRD READING.

The bill,

n. 701. To cure irregularities in the issuance of claims against the fine and forfeiture fund of Marshall county, and to further regulate said fund,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Milner, Minge, Nemith, Parker, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams.

The bill,

s. 285. To incorporate the Anniston Banking and Loan Company, of Anniston, Alabama,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Stallworth, Stansel, Williams—18.

The bill,

s. 447. To incorporate the Louise Short Baptist Widows and Orphans Home,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Stallworth, Stansel, Williams—18.

The bill,

s. 441. To amend and enlarge the charter of the Florence Loan and Trust Company, incorporated under general laws of the state of Alabama,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Parker, Smith of Mobile, Stallworth, Stansel, Williams—19.

The bill,

n. 669. To incorporate the Baptist Church of Auburn, Lee county, Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Smith of Mobile, Stallworth, Stansel, Williams—20.

The bill,

ii. 488. To provide for a resurvey of the county line between the counties of Monroe and Conecuh,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Smith of Mobile, Stallworth, Stansel, Williams—20.

The bill,

ii. 152. To incorporate the Alabama Northern Railway Company, and to further the construction of the same,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Smith of Mobile, Stansel, Williams—18.

The bill,

ii. 615. To repeal an act entitled an act to authorize the tax collector of Marion county to collect the unpaid taxes for the years 1880, 1881, 1882, 1883, and to pay the same to J. R. Hughes, late tax collector of said county for the purpose of reimbursing the said J. R. Hughes, for money paid the state and county on account of said taxes, approved February 28th, 1887.

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Smith of Mobile, Stallworth, Williams—19.

The bill,*

ii. 755. To refund to L. G. Cooper the sum of twenty dollars, being purchase money for certain land heretofore erroneously sold him by the state,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Minge, Smith of Mobile, Stallworth, Stansel, Williams—18.

The bill,

s. 408. For the relief of Jack R. Wilson, ex-probate judge of Clarke county, Alabama,

Was, on motion of Mr. Haralson, recommitted to the committee on local legislation.

The bill,

s. 436. To repeal an act to amend section 1544 of the code

of Alabama, so far as the same relates to the counties of Blount, Cullman, Cleburne, Washington, Coosa, Autauga, St. Clair, Elmore, Marshall, Dale and Chilton, approved on the 1st of March, 1881, so far as the same relates to the city of Wetumpka, Elmore county, Alabama,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Haralson, Hundley, Inzer, Lackey, Milner, Minge, Smith of Mobile, Stansel, Williams—17.

The bill,

s. 416. For the relief of M. A. Powell, sheriff of Elmore county,

Was read a third time and passed—yeas 18, nays 0.

Yeas Mr. President, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Smith of Mobile, Stallworth, Stansel, Williams—18.

The bill,

s. 444. To refund to Robert McKee certain moneys paid by him into the state treasury,

Was read a third time and passed—yeas 15, nays 3.

Yeas—Mr. President, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Milner, Minge, Parker, Smith of Mobile, Stansel, Williams—15.

Nays—Messrs. Bradley, Berry, Lackey—3.

The bill,

II. 158. To amend section 497 of the code ;

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Smith of Autauga, Steagall, Williams—18.

The bill,

s. 431. To fix the times and places of holding the circuit courts in the various counties composing the ninth judicial circuit of the state of Alabama,

Was taken up.

Mr. Haralson offered a substitute which was adopted.

The bill was then read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Minge, Parker, Parks, Smith of Autauga, Smith of Mobile, Stansel—18.

The bill,

n. 275. To repeal an act entitled an act relating to the working of male convicts sentenced to hard labor for the county of Jefferson, upon the public roads of said county,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Smith of Mobile, Stansel, Williams—17.

The bill,

n. 165. For the relief of James B. Steely, Mary Steely, Roland Ward and Elizabeth Russell, of Jackson county,

Was taken up.

Mr. Haralson offered two amendments, which were adopted, The notice required by law accompanied said amendments.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Smith of Mobile, Stallworth, Stansel, Williams—19.

The bill,

s. 251. To provide for the election by the general assembly of Alabama, of a chaplain for both houses of the legislature,

Was taken up.

Mr. Hargrove offered an amendment, which was adopted, as follows:

“Provided that the governor shall make said appointment if the speaker and president cannot agree.

Mr. Nesmith offered an amendment as follows:

Amend by adding that provided, said chaplain shall not own more than five hundred dollars worth of taxable property, nor at the time of his appointment shall be receiving a salary of more than five hundred dollars.

Lost.

The substitute was adopted.

The bill was read a third time and passed—yeas 14, nays 4.

Yeas—Mr. President, Bloch, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Stallworth, Stansel, Williams—14.

Nays—Messrs. Bradley, Nesmith, Parker, Smith of Mobile—4.

The following senate bills, viz: 398, 345, 446, 379, 423, 441, were ordered during the day to the house without engrossment.

ADJOURNMENT.

At 6 o'clock p. m., the senate adjourned.

 FORTY-THIRD DAY.

MONDAY, February 9, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Rush of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Waddell, Wiley, Williams—31.

The journal of yesterday was approved without being read.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Stallworth, on account of sickness in his family, and to Mr. Smith of Mobile, on account of sickness, for one day.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows:

By Mr. Inzer—

s. 485. To authorize the probate courts to make unknown heirs and devisees parties in certain suits;

Judiciary.

Mr. Harris of Lee—

s. 486. To restore to the A. & M. College copies of certain acts of the general assembly which were lost by the burning of the college building;

Mr. Milner—

s. 487. To incorporate the Alabama Iron and Steel Company;

Internal improvements.

Mr. Hayes—

s. 488. To confirm the incorporation and organization of the Florence Investment Company and to declare and define the powers of said company;

Local legislation.

Mr. Wiley—

s. 489. To authorize the governor to issue to John B. Manning, a new coupon bond for five hundred dollars in the lieu and stead of class "A" bond number 7255;

Judiciary.

Mr. Inzer—

s. 490. To establish an Industrial school in the state of Alabama, for the destitute children and descendants of Confederate soldiers and sailors;

Education.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house, having signed the following bills, your signature thereto is requested:

II. 158. To amend section 497 of the code;

II. 615. To repeal an act entitled an act to authorize the tax collector of Marion county to collect the unpaid taxes for the years 1880, 1881, 1882, 1883, and to pay the same to J. R. Hughes, late tax collector of said county, for the purpose of reimbursing the said J. R. Hughes, for money paid the state and county on account of said taxes, approved February 28, 1887;

II. 275. To repeal an act entitled an act relating to the working of male convicts sentenced to hard labor for the county of Jefferson, upon the public roads of said county;

II. 407. To regulate the fine and forfeiture fund of Conecuh and Escambia counties and the disposal of moneys arising from fines, forfeitures and convict labor in said counties;

II. 669. To incorporate the Auburn Baptist church of Auburn, Lee county, Alabama;

II. 488. To provide for a resurvey of the county line between the counties of Monroe and Conecuh;

II. 571. For the relief of the estate of James Hunter, deceased;

II. 701. To cure irregularities in the issuance of claims

against the fine and forfeiture fund of Marshall county and to further regulate said fund;

H. 755. To refund to L. G. Cooper the sum of twenty dollars being purchase money for certain land heretofore sold him by the state;

H. 225. To protect and regulate the time and manner of catching and taking fish from, and in the waters of the state of Alabama, in the counties of Mobile and Baldwin;

H. 457. To prohibit placing mortgages or encumbrances on growing crops in Monroe county;

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time as follows:

By Mr. Compton, from the judiciary, favorably, with an amendment,

s. 304. For the protection of Telephone lines, and business done over them, in this state;

s. 351. To carry into effect the provisions of section 23 of article 14 of the constitution of Alabama, in reference to railroads and other transportation companies granting free passes to certain persons therein named;

Also, favorably,

s. 451. To amend an act to amend section 677 of the code of Alabama, approved February 28th, 1889;

s. 458. To authorize railroad companies, chartered under the laws of the state of Alabama, whose capital stock is owned by a railroad corporation chartered under the laws of another state, to sell to such corporation owning its stock all of its property, road-bed, rights and franchises;

s. 121. To amend section 3217 of the code;

s. 320. To provide for service of process upon non-resident defendants at law or in equity;

s. 338. To regulate the time of holding the circuit courts in the fifth judicial circuit of Alabama ;

Also, with a substitute,

s. 48. To repeal section 3210, and to amend sections 3211, 3212, 3214, 3215, 3216 and 3217 of the code, relating to the condemnation of lands for public uses ;

Also, favorably.

ii. 784. To declare null and void certain sales of lands made by the tax collector of Conecuh county, in the year 1889, for taxes for the year 1888 ;

ii. 359. To amend section 5 of an act entitled an act to regulate the holding of the circuit court of Henry county, approved February 17th, 1885 ;

ii. 596. To legalize the marriage of William H. Bottoms and Mary C. Bottoms the widow of John Bottoms, deceased ;

ii. 518. To regulate trials by juries in the county court of Clarke county ;

ii. 316. To declare Clarke Frizzle and W. C. Frizzle, liners between the counties of Bullock and Montgomery, citizens of Montgomery county ;

ii. 51. To provide for the legal examination of the dead bodies of persons believed to have been poisoned, and to pay for such examinations ;

Also, with an amendment.

ii. 598. To prevent hunting on land without written consent of owner or his agent in Dallas, Madison, Conecuh, Wilcox, Autauga and Sumter counties ;

Also, favorably,

ii. 128. To amend section 4301 of the code.

By Mr. Handley, from judiciary, favorably,

s. 474. To provide for the payment of expense incurred in the inauguration of the governor of Alabama ;

s. 307. To regulate the exemption of property from taxation ;

Also, with an amendment.

s. 346. To pay the clerk of the supreme court a salary, and to require the supreme court clerk fees to be paid into the state treasury ;

Also, favorably,

s. 471. To require the money paid by all persons for state and county license in Walker county, to retail liquor in the year 1889, to be refunded to such persons or their legal representatives when the use of such licenses was prevented by prohibitory acts of the legislature ;

s. 440. To refund license money to James E. Ray, of Tallapoosa county;

Also, with an amendment,

ii. 433. To provide a fund for the payment of witnesses for the state in the circuit and county courts of Wilcox county, and to prescribe their compensation;

Also, favorably,

ii. 626. To protect the owners of bottles, boxes, syphons, fountains and kegs used in the sale of soda water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer, or other beverages.

By Mr. Haralson, from local legislation, favorably,

ii. 868. To divest the title interest and estate of the state of Alabama of certain land in Talladega county, and invest the same in Drucilla Lawler;

s. 482. To confirm the incorporation and organization of the Alabama Banking and Trust Company, and to increase and enlarge the powers of said company;

ii. 1001. To establish a new charter for the town of Clayton, in Barbour county;

ii. 838. To amend an act to authorize the commissioners court of Calhoun county to levy a tax for working of public roads by contract, approved February 28th, 1889;

ii. 884. To incorporate the Eufaula Investment and Security Company;

ii. 842. To prevent stock from running at large in the several beats, or parts of beats in Cherokee county, to authorize elections thereon, and to provide for building and maintaining fences and gates;

ii. 752. To protect the public property at Hayneville.

By Mr. Lackey, from municipal and county organizations, favorably,

ii. 586. To amend section nine (9) of an act entitled an act to incorporate the Pensacola, Andalusia, Union Springs and Chattanooga Railroad Company, approved February 28th, 1889.

By Mr. Milner, from internal improvements, a substitute for

s. 278. For the proper ventilation and conduct of coal mines or collieries in the state of Alabama, and providing for the creation of a state board of examiners for the examination of candidates for the office of mine inspector, and prescribing the mode of such inspector's appointment, duties and term of

office, and providing for his compensation and that of examiners.

By Mr. Skeggs, from education, favorably,

s. 454. To authorize the mayor and councilmen of Dadeville, to issue bonds of said city for an amount not exceeding five thousand dollars, for the purpose of purchasing a lot in said city, and erecting and improving school buildings thereon.

By Mr. Cowan, from temperance, favorably, with an amendment,

s. 192. To require persons convicted of drunkenness, or of public drunkenness, to testify in certain cases, and to provide punishment on failure, or refusal so to do.

By Mr. Lackey, from municipal and county organizations, favorably,

ii. 658. To amend the charter of the town of Greensboro, Alabama, and the acts amending the same ;

ii. 654. To authorize the mayor and councilmen of Brewton, to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, for the purpose of putting in a system of water works and making other permanent improvements in said city ;

ii. 723. To incorporate Lineville college, at Lineville, Clay county, Alabama ;

ii. 786. To amend section four of an act to amend and ratify the charter of the Selma and Cahaba Valley Railway Company, approved February 21st, 1887 ;

ii. 411. To establish a charter for the town of Oneonta.

By Mr. Cowan, from temperance, favorably, with an amendment,

s. 206. To regulate the sale of a poison commonly known and called Rough on Rats.

By Mr. Milner, from internal improvements, favorably,

s. 484. To prevent combinations or pools of insurance companies or their agents, tending to defeat or lessen competition in the business of insurance in the state of Alabama.

By Mr. Lackey, from municipal and county organizations, favorably,

s. 472. To authorize the city of New Decatur to levy and collect license taxes upon professions, occupations, vocations and businesses practiced, or engaged in within said city ;

s. 425. To incorporate the town of Vienna, in the county of Pickens, and the state of Alabama ;

s. 328. To amend the charter of the Gurleys and Paint Rock Valley Railroad Company ;

s. 478. To incorporate the Limestone County Oil and Gas Company.

By Mr. Parks, from revision of laws, favorably,

II. 917. To establish the district court of Colbert and Lauderdale counties.

Mr. Handley, from committee on finance; favorably,

II. 869. For the relief of needy confederate soldiers and sailors, residents of Alabama, who, from wounds or other causes, are now unable to earn a livelihood, and for the widows of such as were killed or died in said war, and have not since remarried;

II. 308. To finally dispose of lands which have been sold for its taxes and bid in for the state.

On motion of Mr. Milner, 50 copies of s. 278 were ordered printed for use of the senate.

BILLS ON THIRD READING.

The bill,

s. 420. To authorize the mayor and councilmen of Troy to issue bonds of said city for an amount not exceeding \$25,000 for the purpose of erecting and improving school and other public buildings,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Smith of Autauga, Williams—21.

The bill,

s. 438. To amend an act approved February 17, 1885, entitled an act to amend sections one and two of an act to define the corporate limits of the city of Wetumpka, approved February 23, 1883,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Williams—23.

The bill,

s. 418. To authorize the mayor and councilmen of Troy, in Pike county, to erect and maintain or otherwise provide a system of water works for the city of Troy to issue bonds in pay-

ment thereof in an amount not exceeding fifty thousand dollars,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Smith of Autauga, Waddell, Williams—17.

The bill,

ii. 323. For the relief of Benjamin B. Ballard, a citizen of Covington county,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Davie, Grant, Godfrey, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Parker, Smith of Autauga, Stansel, Waddell, Williams—18.

The bill,

ii. 698. To provide for the election of a board of four commissioners to be known as the commissioners court of Macon county, at the general election in August, 1892,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parker, Smith of Autauga, Williams—18.

The bill,

ii. 429. To change the name of Annie Rebecca Hamilton of Marengo county to that of Annie Rebecca Watts,

Was read a third time and passed—yeas 20, nays 1.

Yeas—Mr. Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Smith of Autauga, Williams—20.

Mr. President voted no.

The bill,

ii. 160. To allow the sheriffs of Franklin and Jackson counties more time to summons jurors,

Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Smith of Autauga, Williams—22.

The bill,

s. 432. To regulate the mooring of vessels in and to prevent unnecessary obstruction to the navigation of Mobile river, north of the city of Mobile,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Smith of Autauga—20.

The bill,

h. 302. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters at or within certain localities in this state, approved February 28th, 1881, so far as the same relates to the corporate limits of the town of Muscadine, in Cleburne county, on the Georgia Pacific Railroad,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Hundley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Williams—20.

The bill,

h. 490. To prohibit the selling, bartering, exchanging or giving away of spirituous, vinous or malt liquors, intoxicating bitters or beverages in Mitchell beat, number one, Landerdale county, Alabama,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Godfrey, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Parker, Parks, Skeggs, Williams—19.

The bill,

h. 706. To locate permanently the seat of justice of the county of Morgan,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Hundley, Haralson, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Skeggs, Williams—20.

The bill,

h. 402. To make repairs on the capitol building, for furniture, in the public rooms, and for work on the capitol grounds,

Was read a third time and passed—yeas 20, nays 1.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Parker, Reynolds, Skeggs, Williams—20.

Mr. Harris of Lee voted no.

The bill,

s. 276. To procure and preserve the likenesses of distinguished and worthy citizens at the capitol and to create a commission for that purpose,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs—25.

On motion of Mr. Downey senate bill 221 was laid on the table.

The bill,

h. 773. To authorize and empower the board of mayor and aldermen of the city of Tuscaloosa to issue bonds of said city, not to exceed thirty-three thousand dollars, for the purpose of taking up and refunding all outstanding bonds of said city, upon which eight per cent. per annum is being paid as interest at the present time,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs—22.

The bill,

h. 260. To amend section 2765 of the code of Alabama,

Was taken up.

Mr. Bloch offered an amendment ;

Lost.

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Waddell—24.

The bill,

h. 887. To authorize the construction of tramways, pole-roads, canals and ditches by corporations, associations, partner-

ships and individuals in Conecuh, Butler, Crenshaw and Covington counties,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Inzer, Lackey, Milner, Parker, Smith of Autauga, Williams—18.

At the hour of 12 o'clock m., the senate proceeded to consider the

SPECIAL ORDERS.

First.

The bill,

H. 504. To regulate the apportionment of the school fund in this state by the superintendent of education,

Was taken up.

Mr. Davie offered an amendment, which was adopted as follows: Strike out in section 1, last line, the words, "without regard to race," and insert in lieu thereof the words, "according to the entire number of children of school age."

Mr. Grant moved to reconsider, by unanimous consent, the vote by which the senate adopted the amendment, offered by Mr. Skeggs, excluding certain counties.

Carried.

Mr. Handley moved to strike from said amendment Madison, Coffee, Geneva, Dale, Henry.

Carried.

Mr. Inzer moved to add to said amendment, Cherokee, Etowah, St. Clair, Lamar, Fayette, Franklin, Elmore, Chilton, Coosa.

Pending the consideration of said amendment a message from the house was received, as follows:

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills:

H. 582. To prevent camp-hunting in Blount county, Alabama;

H. 826. To change the name of the Ashland Educational Company and to grant additional powers;

H. 852. To authorize Mary F. Churchwell, widow of David

Churchwell, deceased, to sell lands at private sale, belonging to the estate of said David Churchwell, deceased ;

ii. 899. To authorize the county of Clarke to borrow money and issue bonds for the purpose of building a court house for the use of said county, at Grove Hill, or other place at which it may be determined to build said court house ;

ii. 857. To amend section 2 of an act to amend an act entitled an act to create a separate school district in Jackson county, to be known as Pleasant Grove, out of a part of township 5, range 6 east, approved February 15th, 1889.

ii. 477. To confirm, amend and enlarge the charter of the trustees of the Hospital of "United Charities," of Birmingham, Alabama, and to confer additional powers on said corporation ;

ii. 921. To protect and regulate the manner of catching and taking fish in any of the creeks in Hale county within a certain distance from where said creeks empty in the Warrior river ;

ii. 840. To authorize the mayor and board of aldermen of the town of Eutaw to pass an ordinance requiring temporary merchants doing business in said town to first take out a license therefor ;

ii. 881. To declare certain lands in Greene county in this state, now belonging to T. W. Cobb, Mary Cobb, Mary E. Walker and Amenia J. Upchurch, a district in which stock shall be prevented from running at large ; and to provide that the provisions of an act entitled an act to authorize the commissioners court of Greene county to establish districts in which stock may be prevented from running at large, approved February 17th, 1885, shall be applicable to said district ;

ii. 443. To amend an act entitled an act to establish a new charter for the town of Attalla, approved February 28th, 1889 ;

ii. 357. To prohibit the payment or allowance of claims against the estates of decedents which have been barred by the statute of limitations in the life of such decedent ;

ii. 497. To authorize the corporate authorities of the city of Gadsden to release and surrender the option of the city of Gadsden to redeem the bonds that have been issued by the said corporate authorities known and designated as "sanitary bonds," and to authorize said corporate authorities to issue the remainder of the one hundred thousand dollars of said bonds

authorized by act of the general assembly of Alabama, approved February 28th, 1887, and also by act amendatory thereof, approved February 28th, 1889, to run no longer than thirty years;

ii. 749. To increase, enlarge, extend, confirm, establish and ratify the charter and corporate powers of Crews Normal College of Lamar county, Alabama;

ii. 714. To provide for a re-registration of all claims against the fine and forfeiture fund of Franklin county;

ii. 655. To define and regulate the liability of persons, partnerships and corporations operating, in the county of Escambia, ditches, or canals, for the purpose of floating logs or timber therein;

ii. 550. To improve the penitentiary and convict system of Alabama;

ii. 17. To amend section 3812 of the code of Alabama;

ii. 986. To amend section two of an act entitled an act to establish a new charter for the city of Talladega, approved February 28th, 1887;

ii. 949. To authorize and empower the board of trustees of the Scottsboro College and Normal School to sell and convey the property and franchises of said institution;

ii. 738. To amend an act, approved February 24th, 1887, entitled an act to amend section three of an act entitled an act to amend an act approved January 28th, 1870, to incorporate the town of Columbia, Henry county;

ii. 651. To provide for the protection and preservation of game animals and birds in Fayette county;

ii. 736. To authorize the substitution of the bonds of the county officers, justices of the peace, notaries public, constables, executors, administrators and guardians in Franklin county;

And has passed

s. 168. To amend section 4648 of the code;

And has amended and passed

s. 109. To amend section 4533 (5002) of the code;

s. 354. To better provide for the establishment and working the public roads in this state;

And has amended, by way of substitute,

s. 190. To provide for establishing a certain portion of the line between the states of Alabama and Georgia, where the same divides the county of Cherokee in the state of Alabama and the county of Polk in the state of Georgia, to provide for

the appointment of persons to establish said line and to appropriate money to pay the expenses ;

With the following title :

s. 190. To provide for establishing the state line between the state of Alabama and Georgia in a certain locality therein mentioned and to make an appropriation to pay expenses of the same ;

s. 140. To provide compensation to sheriffs for the removal of prisoners from other states to this state ;

With the following title :

s. 140. To provide compensation for the sheriffs and agents of this state for the removal of prisoners from other states, territories and the District of Columbia ;

And has amended and passed

s. 337. To provide for the election of the superintendent of education of Randolph county by the people of the county as other county officers are, and to provide the length of the term of office of the superintendent of education in said county, to be appointed in October, 1891 ;

And has non-concurred in the senate amendment to

ii. 450. To prevent hunting or fishing, entering upon or trespassing upon certain lands on the Black Warrior river, in Greene county, in townships twenty and twenty-one and ranges two and three, east, after the owner or person in possession thereof shall have forbidden the same by notice posted on the lands or by publication in a newspaper published in said county ;

And has concurred in senate amendments to the following bills :

ii. 457. To prohibit placing mortgages or encumbrances on growing crops in Monroe county ;

ii. 407. To regulate the fine and forfeiture fund of Conecub and Escambia counties and the disposal of moneys arising from fines, forfeitures and convict labor in said counties ;

ii. 165. For the relief of James B. Steely, Mary Steely, Roland Ward and Elizabeth Russell of Jackson county ;

ii. 186. To amend sub-division 18 of section 137 of the code ;

And has originated and passed and ordered forthwith to the senate without the engrossment the following bills :

ii. 999. To establish a charter for the city of Bridgeport ;

ii. 393. To provide for the collection of taxes from persons running from one county to another during the tax year ;

- II. 394. To amend section 458 of the code;
- II. 681. To incorporate the town of Seddon, in St. Clair county, and to establish a charter for the government thereof;
- II. 310. To allow appeals to the supreme court from decisions of the city and circuit courts in this state, granting or refusing to grant motions for new trials;
- II. 891. To incorporate the Alabama, Florida and Chattnooga Railway Company;
- II. 950. To establish the legal weights of agricultural products in this state;
- II. 376. To create a separate school district of certain fractional townships in Dallas county.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once and referred to appropriate committees as follows:

- II. 357, 310, to judiciary;
- II. 393, 394, to finance;
- II. 17, to revision of laws;
- II. 582, 852, 857, 921, 881, 714, 651, 736, to local legislation;
- II. 891, to internal improvements;
- II. 826, 949, 376, to education;
- II. 550, to penitentiary;
- II. 950, to agriculture;
- II. 899, 477, 840, 443, 497, 749, 986, 738, 999, 681, 655, to municipal and county organizations.

The senate concurred in the house amendments to senate bill 109, set out in the foregoing house message.

Yeas 25, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Wiley—25.

The senate passed over informally senate bill 364 and and house bill 450, set out in the foregoing house message.

The senate concurred in the house amendments to senate bill 190, set out in the foregoing house message.

Yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hays, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga—26.

The senate concurred in the house amendment to senate bill 140, set out in the foregoing house message.

Yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall—25.

The senate concurred in the house amendments to senate bill 337, set out in the foregoing house message.

Yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Steagall—26.

RECESS.

At 1:30 p. m., the senate took a recess until four o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at four o'clock p. m.;

A quorum was present;

And resumed consideration of

THE SPECIAL ORDER,

Which was the bill,

H. 504. To regulate the apportionment of the school fund in this state by the superintendent of education.

Mr. Davie moved to lay the pending amendments on the table;

Carried.

Yeas 19, nays 8.

Yeas—Mr. President, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hays, Milner, Parker, Parks, Reynolds, Smith of Autauga, Steagall, Waddell—19.

Nays—Mr. Bradley, Cowan, Haralson, Hundley, Inzer, Lackey, Minge, Skeggs—8.

Mr. Hargrove offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 21, nays 4.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Hayes, Hundley, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Steagall, Waddell—21.

Nays—Messrs. Bradley, Haralson, Inzer and Skeggs—4.

The bill,

s. 459. To provide for the collection, arrangement and display of the products of the state of Alabama at the World's Columbian Exposition of 1893, and to make an appropriation therefor,

Was taken up.

Mr. Hundley offered an amendment to the substitute, which was adopted.

Mr. Hargrove offered an amendment to the substitute, which was adopted.

The substitute was adopted.

The bill was read a third time and passed—yeas 25, nays 6.

Yeas—Mr. President, Bloch, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—25.

Nays—Messrs. Bradley, Berry, Cowan, Downey, Harris of Lee, Lackey—6.

BILLS ON THIRD READING.

The bill,

s. 470. To ratify and amend the charter of the Alabama Trust and Savings Company,

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 19, nays 0,

Yeas—Mr. President, Cowan, Compton, Davie, Downey,

Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Autauga—19.

The following senate bills, passed to-day, viz.:

s. 438, 276, were ordered to the house without engrossment.

CONFERENCE COMMITTEE.

Mr. Stallworth having been granted a leave of absence on account of sickness, the president appointed in his stead Mr. Parks as a member of the conference committee on house bill 259.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bills :

II. 844. To amend an act entitled an act to prevent stock from running at large in the several beats in Tallapoosa and Coosa counties and to authorize an election thereon, approved February 26th, 1887 ;

And has originated, passed and ordered forthwith to the senate, without engrossment, the following bills :

II. 640. To authorize W. D. Caddell to make title deeds to certain lands in Bibb county ;

II. 748. To incorporate the Southern Steele Company ;

II. 249.* To require all fines and forfeitures in criminal cases in the county of Jefferson to be paid in lawful money ;

II. 325. To regulate the trials of misdemeanors in Geneva county ;

II. 699. To provide for the election of a county treasurer of Macon county by the qualified voters thereof at the general election for state and county officers in August, 1892 ;

II. 973. To fix the times and places for holding the courts in the third judicial circuit of the state of Alabama ;

II. 206. To amend sections 4 and 11 of an act entitled an act to establish the criminal court of Jefferson county ;

II. 944. To prescribe and regulate the purchase of supplies for the several county offices, court house, jail, almshouse and convict camp of Jefferson county ;

II. 991. To create a separate school district in the city of

Florence, Alabama, to define the boundaries thereof and provide for the maintenance of schools ;

II. 971. Concerning the organization and perpetuity of a voluntary association to be known as The Order of Columbia, a secret society, having a secret ritual and providing laws for governing the same ;

II. 700. To create and establish a new beat in Lee county, Alabama, to be known and designated as beat No. 14, in said county, having as a precinct or voting place Smith Station ;

II. 1070. To establish a separate school district in the city of Enfaula, Barbour county, Alabama, and to provide means to support said separate school district.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, the titles of which are set out in the foregoing message, were severally read a first time and referred to appropriate committees, as follows :

- II. 206, 973, to judiciary ;
- II. 844, 640, 249, 325, 700, 1070, to local legislation ;
- II. 699, to privileges and elections ;
- II. 748, to municipal and county organizations ;
- II. 944, 971, to internal improvements ;
- II. 991, to education.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Berry indefinitely, on account of sickness in his family.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested :

- II. 259. To amend section 141 of the code ;
- II. 450. To prevent hunting or fishing, entering upon or trespassing upon certain lands on the Black Warrior river in Greene county in townships twenty and twenty-one and ranges two and three, east, after the owner or person in posses-

sion thereof shall have forbidden the same by notice posted on the lands or by publication in a newspaper published in said county;

ii. 913. To regulate the trial of misdemeanors in Shelby county, Alabama;

ii. 859. To provide liens for mechanics and material men, and repeal sections 3018, 3022, 3025, 3026, 3028, 3041 of the code and 3027, as amended by the acts of 1888 and 1889;

ii. 802. To incorporate the Montgomery Manufacturers' Aid and Improvement Company.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

ADJOURNMENT.

At 6 o'clock p. m. the senate adjourned.

FORTY-FOURTH DAY.

TUESDAY, Feb. 10th, 1891.

The senate met pursuant to adjournment.

Payer by the Rev. Mr. Blackwell of the house.

Present—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Williams—25.

The journal of yesterday was approved without being read.

MESSAGE FROM THE HOUSE.

Mr. President :

The house requests the return of

H. 61. To regulate the election of municipal officers in the city of Montgomery ;

S. 118. To dissolve garnishments in cases where the defendant executes bond to the plaintiff.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

In compliance with the foregoing request, the senate returned house bills 61 and 118.

CALL OF DISTRICTS.

Bills were introduced, read once, and referred to appropriate committees, as follows :

Mr. Williams—

S. 491. To provide for the protection of the public health and preventing the introduction of yellow fever and other contagious diseases into Baldwin county, Mobile bay and State of Alabama ;

Finance.

Mr. Harris of Lee—

S. 492. To amend sections 18 and 19 of an act entitled an act to amend an act entitled an act to vacate and annul the charter and dissolve the corporation of the city of Opelika, and to provide for the application of the assets thereof in discharge of the debts of said corporation, approved February 19, 1883, and to provide for the compromise of the railroad bonded indebtedness, approved February 14th, 1885 ;

Finance.

Also,

S. 493. To amend an act to constitute the town of Auburn, Lee county, Alabama, a separate school district, approved February 15th, 1885 ;

Education.

Mr. Milner—

S. 494. To permit the proprietor of Shelby Springs to sell spirituous, vinous or malt liquors on his premises during the summer ;

Temperance.

Mr. Hundley—

s. 495. To amend section 2813 of the code ;

Judiciary.

Mr. Davie—

s. 496. To provide for the better adjustment of damages done to freight by railroads in process of transit when such damage is under the value of ten dollars ;

Local legislation.

Mr. Inzer—

s. 497. To fix the time of holding the chancery court in the county of Etowah, State of Alabama ;

Local legislation.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from committee on enrolled bills, reported the following bills correctly enrolled, :

s. 347. To incorporate the Cotton States Telephone and Telegraph Company ;

s. 190. To provide for establishing the state line between the states of Alabama and Georgia in a certain locality therein mentioned, and to make an appropriation to pay expenses of the same ;

s. 140. To provide compensation for the sheriffs and agents of this state for the removal of prisoners from other states, territories and the District of Columbia ;

s. 337. To provide for the election of the superintendent of education of Randolph and Cleburne counties by the vote of the people of the county as other county officers are, and to provide the length of the term of office of the superintendent of education in said counties, to be appointed in October, 1891 ;

s. 168. To amend section 4648 of the code ;

s. 120. To incorporate the city of Ashville, in St. Clair county, Alabama.

MESSAGE FROM THE HOUSE.

Mr. President:

H. 165. For the relief of James P. Steely, Mary Steely, Roland Wood and Elizabeth Russell, Jane McGuinn and Samuel Summers of Jackson county ;

H. 324. To incorporate the Fayette Alliance Union, at Fayette, Fayette county. Alabama ;

II. 152. To incorporate the Alabama Northern Railway Company, and to further the construction of the same.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate. immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message and report of enrolled bills.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows:

By Mr. Compton, from the judiciary, favorably,

s. 485. To authorize the probate courts to make unknown heirs and devisees parties in certain suits;

s. 279. To exempt the wages of employees from garnishment;

s. 182. To amend an act to require locomotive engineers in this state to be examined and licensed by a board to be appointed by the governor for that purpose, approved February 20th, 1887;

s. 481. To authorize the commissioners of "The Huntsville State Colored Normal and Industrial School" to sell the real property of the school located on Clinton street in the city of Huntsville, Alabama, and re-invest the proceeds of such sale in real estate in or near the said city of Huntsville;

II- 1056. To provide clerical assistance for the supreme court.

By Mr. Parks, from revision of laws, a substitute for

s. 456. To increase the fees of justices of the peace and notaries public who have jurisdiction of justices of the peace, in the county of Autauga;

Also, with amendment,

s. 463. To prohibit justices of the peace and notaries public with the jurisdiction of justices of the peace, from sentencing defendants to hard labor for costs;

II. 622. To amend sections 4068 and 4069 of the code of Alabama.

By Mr. Milner, from internal improvements, favorably,

s. 487. To incorporate the Alabama Iron and Steel Company;

H. 891. To incorporate the Alabama, Florida and Chattanooga Railway Company.

By Mr. Lackey, from municipal and county organizations, favorably,

H. 681. To incorporate the town of Seddon, in St. Clair county, and to establish a charter for the government thereof.

By Mr. Handley, from finance, favorably,

S. 486. To restore to the A. & M. College copies of certain acts of the general assembly which were lost by the burning of the college building;

By Mr. Skeggs, from education, favorably,

S. 490. To establish an Industrial school in the state of Alabama, for the destitute children and descendants of confederate soldiers and sailors;

By Mr. Cowan, from temperance, favorably,

H. 686. To amend an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, within one-half mile of the city Mission Church and the Corinthian Baptist church, in Mobile county, and other places named therein, and known as the "Omnibus Liquor Bill," approved December 10th, 1890.

By Mr. Wiley, from military, favorably,

S. 473. To further regulate the Alabama State Troops;

H. 601. To make an appropriation for the expenses of encampments of Alabama State Troops, for the years 1891 and 1892.

By Mr. Haralson, from local legislation, favorably,

H. 249. To require all fines and forfeitures, in criminal cases in the county of Jefferson, to be paid in lawful money;

S. 488. To confirm the incorporation and organization of the Florence Investment Company and to declare and define the powers of said company;

H. 700. To create and establish a new beat in Leo county, Alabama, to be known and designated as beat No. 14, in said county having as a precinct or voting place, Smith's Station;

H. 1070. To establish a separate school district in the city of Eufaula, Barbour county, Alabama, and to provide means to support said separate school district.

By Mr. Skeggs, from the judiciary, favorably,

S. 489. To authorize the governor to issue to John B. Manning, a new coupon bond for five hundred dollars, in the lieu and stead of class "A" bond number 7255;

s. 467. To amend an act to amend section 677 of the code of Alabama;

s. 329. To provide for making unknown heirs, devisees, joint owners or tenants in common, parties to proceedings in the probate or chancery court for the division or sale of lands by executors or administrators, or for the partition or sale for partition of lands among joint owners or tenants in common.

By Mr. Lackey, from municipal and county organizations, adversely,

ii. 366. To provide for a system of water works for the city of Sheffield, Colbert county, Alabama.

On motion of Mr. Nesmith, ii. 366 was postponed, and made a special order for to-morrow- at 12 o'clock.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills;

ii. 61. To regulate the election of municipal officers in the city of Montgomery;

ii. 235. To create a lien on live stock for the costs of pasturing the same;

ii. 360. To amend section 1583 (2008) of the code of Alabama;

ii. 958. To incorporate the East Lake Water and Electric Company, and to confer upon said company certain corporate powers;

ii. 589. To declare "the board of education of the separate school district of the city of Tuscumbia" the successors in office of "the trustees of the Tuscumbia Male Academy," and to authorize said board of education to sell and convey certain real estate belonging to "the trustees of the Tuscumbia Male Academy," for school purposes;

ii. 592. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous or malt liquors, or intoxicating bitters, beverages, or drinks, or fruits preserved in alcoholic liquors in the county of Montgomery, and other places therein named, approved February 28, 1887, so far as the same applies to the town of Leighton, in Lawrence and Colbert counties, or within four miles thereof;

ii. 751. To amend section one of an act entitled an act for

the preservation of game in Limestone, Cullman and Madison counties, approved February 26th, 1887 ;

II. 558. To confer certain powers, rights and privileges in the state of Alabama, upon the Atlanta and Birmingham Railroad Company, a corporation chartered under and by virtue of the laws of the state of Georgia ;

II. 803. To amend an act entitled an act to amend sections 463 and 529 of the code, approved February 28, 1889 ;

II. 1010. To be entitled an act for the payment of fire coupons of class A bonds, destroyed by fire ;

And has passed,

S. 261. To amend sections two and seven of an act entitled an act to constitute the city of Montgomery a separate school district ;

And has amended and passed,

S. 223. To authorize the Opelika police board to order an election in the city of Opelika ;

And has concurred in the senate amendment to

II. 504. To regulate the apportionment of the school fund in this state.

And has originated and passed, and ordered forthwith to the senate, without engrossment,

II. 1073. To divide the state into nine congressional districts ;

And has, by unanimous consent, reconsidered, amended, and passed

S. 118. To dissolve garnishments in cases where the defendant executes bond to plaintiff.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, the titles of which are set out in the foregoing message, were severally read once and referred to appropriate committees as follows :

II. 61, 235, 360, to judiciary ;

II. 1010, to finance ;

II. 803, to revision of laws ;

II. 751, to local legislation ;

II. 958, to internal improvements ;

II. 589, to education ;

II. 592, to temperance ;

H. 558, to municipal and county organizations;

H. 1073 was referred to a special committee, composed of one member from each of the nine proposed districts, viz.:

From the 1st Mr. Minge, 2nd Mr. Wiley, 3rd Mr. Davie, 4th Mr. Grant, 5th Mr. Handley, 6th Mr. Bradley, 7th Mr. Haralson, 8th Mr. Nesmith, 9th Mr. Harris of Hale.

The senate concurred in the house amendment to senate bill 223, set out in the foregoing house message.

Yeas 17, nays 0.

Yeas—Mr. President, Bradley, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Nesmith, Parks, Reynolds, Smith of Autauga, Stansel, Steagall, Wiley—17.

The senate concurred in the house amendments to s. 118, set out in the foregoing message.

Yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Wiley—22.

BILLS ON THIRD READING.

The bill,

H. 913. To regulate the trial of misdemeanors in Shelby and Winston counties, Alabama.

Mr. Milner offered an amendment, adding an additional section to the bill;

Adopted.

On motion of Mr. Skeggs, Winston county was excluded from the bill.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Hayes, Inzer, Milner, Reynolds, Skeggs, Smith of Autauga—17.

The bill,

H. 859. To provide liens for mechanics and material men, Was taken up;

The pending amendments were adopted.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer,

Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Williams—21.

The bill,

s. 292. To amend section 3685 of the code of Alabama of 1886,

Was, on motion of Mr. Inzer, postponed and made a special order for to-morrow at 12 o'clock, and 100 copies ordered printed for the use of the senate.

The bill,

s. 455. To create a separate school district in the county of St. Clair, to be called Cook's Springs public school district and to define the boundaries thereof,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Compton, Downey, Godfrey, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Steagall, Waddell, Williams—18.

The bill,

s. 422. To authorize the election of township superintendents in St. Clair county,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Cradley, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Wiley, Williams—17.

The bill,

ii. 279. To create a board of education for the city of Bessemer and prescribe the powers and duties of the same,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Reynolds, Skeggs, Smith of Autauga, Steagall, Waddell, Wiley, Williams—23.

The bill,

ii. 758. To amend section two of an act entitled an act to create a separate school district in Marion and Lamar counties and to define the boundaries thereof, approved February 27th, 1889,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Downey, Godfrey, Harris of Lee, Hundley, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Waddell, Williams—18.

The bill,

H. 860. For the relief of William B. Morgan and Glenn Scoggins of Jefferson county,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Cowan, Compton, Downey, Godfrey, Handley, Harris of Lee, Hayes, Hundley, Inzer, Milner, Parker, Reynolds, Smith of Autauga, Steagall, Waddell, Williams—17.

The bill,

s. 462. For the better protection of the capitol and grounds, and for the preservation of order therein,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Steagall, Waddell, Wiley, Williams—21.

The bill,

s. 241. To authorize and empower the mayor and aldermen of the city of Huntsville to improve and repair the streets and sidewalks of the city of Huntsville, Alabama, at the cost of parties whose property abuts such streets,

Was taken up, and the pending amendment adopted.

Mr. Hundley moved to amend by inserting instead of the title, the following:

s. 241. To authorize and empower the mayor and aldermen of the city of Huntsville to improve and repair the sidewalks of the city of Huntsville, Alabama, at the cost of parties whose property abuts such sidewalks.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Steagall, Williams—20.

The bill,

s. 278. For the proper ventilation and conduct of coal mines or collieries in the state of Alabama, and providing for the creation of a state board of examiners for the examination of candidates for the office of mine inspector, and prescribing the mode of such inspector's appointment, duties and term of office, and providing for his compensation and that of examiners,

Was taken up, and on motion of Mr. Milner, the bill and pending substitute were postponed and made a special order for to-morrow at 12 o'clock.

The bill.

s. 374. To authorize the construction of tramways, pole roads, canals and ditches by corporations, associations, partnerships and individuals in Conecuh, Butler, Crenshaw and Covington counties,

Was, on motion of Mr. Skeggs, laid on the table.

The bill,

ii. 869. For the relief of needy confederate soldiers and sailors, residents of Alabama, who, from wounds or other cause, are now unable to earn a livelihood, and for the widows of such as were killed or died in said war, and have not since remarried,

Was taken up, and, on motion of Mr. Inzer, was postponed and made a special order for to-morrow, immediately after call of committees.

The bill,

s. 429. To amend an act entitled an act to regulate the Mobile Harbor, approved February 28th, 1889.

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Davie, Downey, Grant Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Parker, Parks, Smith of Autauga, Waddell, Williams—17.

The bill,

s. 445. To loan and appropriate the two and three per cent fund now in the treasury,

Was taken up.

By leave, Mr. Milner, as chairman of the committee, withdrew the pending amendment.

Mr. Godfrey offered an amendment.

Mr. Milner moved to lay said amendment on the table.

Lost—yeas 10, nays 13.

Yeas—Mr. Bloch, Handley, Harris of Hale, Hundley, Milner, Minge, Parker, Parks, Steagall, Wiley—10.

Nays—Mr. President, Bradley, Compton, Davie, Downey, Grant, Godfrey, Haralson, Harris of Lee, Hayes, Inzer, Skeggs, Smith of Autauga—13.

RECESS.

Pending the consideration of the amendment, the senate took a recess until 4 o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at 4 o'clock p. m.;
A quorum present, and resumed consideration of the

SPECIAL ORDER,

Which was the bill,
s. 445. To loan and appropriate the two and three per cent fund now in the treasury.

On motion of Mr. Parks, the bill was postponed, and made a special order for to-morrow after the call of committees.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house, having signed the following bills, your signature thereto is requested:

- II. 260. To amend section 2765 of the code of Alabama;
- II. 429. To change the name of Annie Rebecca Hamilton, of Marengo county, to that of Annie Rebecca Watts;
- II. 160. To allow the sheriffs of Franklin and Jackson counties more time to summons jurors;
- II. 323. For the relief of Benjamin B. Ballard, a citizen of Covington county;
- II. 698. To provide for the election of a board of four commissioners*to be known as the commissioners court of Macon county, at the general election in August, 1892;
- II. 302. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters at or within certain localities in this state, approved February 28th, 1881, so far as the same relates to the corporate limits of the town of Muscadine, in Cleburne county, on the Georgia Pacific Railroad;
- II. 504. To regulate the apportionment of the school fund in this state by the superintendent of education;
- II. 706. To locate permanently the seat of justice of the county of Morgan;
- II. 887. To authorize the construction of tramways, pole-roads, canals and ditches by corporations, associations, partnerships and individuals in Conecuh, Butler, Crenshaw and Covington counties;

II. 490. To prohibit the selling, bartering, exchanging or giving away of spirituous, vinous or malt liquors, intoxicating bitters or beverages in Mitchell beat, number one, Lauderdale county, Alabama ;

II. 402. To make repairs on the capitol building, for furniture in the public rooms, and for work on the capitol grounds.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills the titles of which are set out in the foregoing house message.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed, and ordered forthwith to the senate without engrossment, the following bill :

II. 754. To confirm, ratify and amend the charter of the Gurleys and Paint Rock Valley Railroad Company ;

And has adopted joint resolution herewith sent requesting the governor to return to the senate house bill 152.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bill in the foregoing house message was read once, and referred to the committee on municipal and county organizations.

The senate concurred in the house joint resolution in the foregoing house message.

REPORT OF CONFERENCE COMMITTEE.

Mr. Wiley, from a committee of conference, submitted the the following report :

To the Honorable, the Senate and the House of Representatives:

The committee of conference on the disagreement of the two houses upon the several amendments of the two houses to the bill H. 259, to amend section 141 of the code.

Have had the same under consideration and respectfully report that they have agreed to recommend the following to-wit :

That the senate recede from its amendment changing the price of tags from 25 cents to 15 cents, and that the bill be passed as it originally passed the house.

A. A. WILEY,
 J. H. MINGE,
 I. H. PARKS,
 On part of senate.
 R. A. LEE,
 W. M. BASS,
 W. BREWER,
 On part of house.

The senate concurred in the foregoing report of the committee of conference—yeas 21, nays 0.

Yeas—Mr. President, Compton, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga, Steagall, Wiley—21.

BILLS ON THIRD READING.

The bill,
 H. 631. To provide for a charter for the town of Carbon Hill, in Walker county, Alabama,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Reynolds, Smith of Autauga, Wiley, Williams—19.

The bill,

H. 989. To confirm the incorporation and organization of the Hunter, Benn & Co. Company and to define and declare the powers of said company,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Hundley,

Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Waddell, Wiley, Williams—22.

The bill,

s. 437. To authorize the county of Elmore and the city of Wetumpka to erect or buy a bridge across the Coosa river at or near Wetumpka and to issue bonds therefor and to levy and collect taxes for the payment of said bonds,

Was taken up.

The pending substitute was adopted.

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Waddell, Wiley—24.

The bill,

ii. 802. To incorporate the Montgomery Manufacturing Aid and Improvement Company,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Davie, Downey, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga, Steagall, Waddell, Wiley, Williams—22.

The bill,

s. 442. To amend an act to empower the governor of Alabama to re-convey to the United States a certain tract of land, upon conditions described in this act, approved February 28th, 1889,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Wiley—23.

The bill,

ii. 900. To amend section 1586 of the code,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Steagall, Waddell—21.

The following bills were severally read and the adverse reports thereon was concurred in, viz :

s. 139. To secure the payment of the costs in proceedings to keep the peace;

Also,

s. 141. To regulate the disbursements of the fine and forfeiture fund of the different counties of the state;

Also,

s. 142. To provide for the payment of costs in criminal cases when the prisoner is discharged on a writ of habeas corpus, and when the prisoner is held and discharged on final trial;

Also,

s. 144. To amend section 4865 (4891) of the code;

Also,

s. 137. To fix the compensation of sheriffs for feeding prisoners in jail;

Also,

s. 134. To provide for payment for services rendered by sheriffs in relation to public roads;

Also,

s. 153. To amend section 1892 of the code;

Also,

s. 138. To amend section 4504 (4731) of the code;

Also,

s. 136. To amend section 4686 (1032) of the code.

The bill,

s. 464. To incorporate the Alabama City Land and Development Company,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Wiley—20.

The bill,

H. 766. To incorporate the Southern Literary Society,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Davie, Downey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga, Steagall, Wiley.—22.

The bill,

H. 644. To incorporate the town of Leighton, in the counties of Colbert and Lawrence, Alabama.

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Milner, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Williams—19.

The bill,

ii. 519. To incorporate the town of Fort Deposit, in the county of Lowndes,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Wiley, Williams—24.

The bill,

ii. 661. To legalize the purchase of a ferry across the Chattahoochee river by the town of Columbia, Henry county, Alabama, and to authorize said town to run or operate the same,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Steagall, Wiley, Williams—22.

The bill,

ii. 917. To establish the district court of Colbert and Lauderdale counties,

Was, on motion of Mr. Nesmith, made a special order for to-morrow at 12 o'clock.

The bill,

s. 460. To better provide for the protection of the health and the promotion of the well-being of prisoners in jail;

Was postponed and made a special order for to-morrow, after the call of committees, on motion of Mr. Hargrove (Mr. Parks presiding).

The bill,

s. 405. To amend sections three (3), four (4), seven (7), eight (8), eleven (11), twelve (12), and thirteen (13), of an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved January 16th, 1879,

Was taken up.

Mr. Parker offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Skeggs, Steagall, Waddell, Wiley—21.

The bill,

s. 482. To confirm the incorporation and organization of the Alabama Banking and Trust Company, and to increase and enlarge the powers of said company,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Waddell—24.

The bill,

ii. 838. To amend an act to authorize the commissioners court of Calhoun county to levy a tax for working public roads of said county, and to let out said roads by contract, approved February 28th, 1889,

Was read a third time and passed—yeas 25, nays 0.

Mr. President, Bradley, Compton, Davie, Downey, Grant, Godfrey, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Waddell, Wiley, Williams—25.

The bill,

s. 371. To allow J. A. McCormick of Calhoun county to peddle without license,

Was taken up and the substitute adopted with caption as follows,

s. 371. To allow persons who are unable to make a livelihood by manual labor to peddle without a license in the various counties of this state.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Steagall, Wiley, Williams—22.

ii. 660. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within three miles of Adoniram church, in beat 5, Henry county, Alabama,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Davie, Downey, Grant, Godfrey, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Steagall, Wiley, Williams—22.

The bill,

n. 609. To amend an act entitled an act to expedite the trial of capital cases in Jefferson county.

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. Bradley, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Steagall, Wiley, Williams—22.

The bill,

n. 461. To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, or other intoxicating drinks within three miles of the Methodist church, or school house, at Olney, Pickens county, Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Reynolds, Smith of Autauga, Steagall, Wiley—20.

ADJOURNMENT.

At 6 o'clock p. m., the senate adjourned.

FORTY-FIFTH DAY.

WEDNESDAY, February 11, 1891.

The senate met pursuant to adjournment.

Prayer by Rev. Mr. Rush of the city.

Present—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Williams—26.

The journal of yesterday was approved without being read.

CALL OF DISTRICTS.

Bills were introduced, read a first time and referred to appropriate committees as follows:

- By Mr. Inzer—
 s. 498. To incorporate the Alabama Christian Missionary Convention;
 Local legislation.
 Mr. Downey—
 s. 499. To authorize the court of county commissioners for Perry county to establish one or more ferries across the Cahaba river in Perry county;
 Local legislation.
 Mr. Nesmith—
 s. 500. To incorporate the North Alabama Oil and Gas Pipe Line Company;
 Internal improvements.
 Mr. Nesmith—
 s. 501. For the relief of Leighton Male and Female Academy in Lawrence county, Alabama;
 Municipal and county organizations.

BILLS ON SECOND READING.

- By Mr. Compton, from the judiciary, favorably,
 Bills were reported from committees and read a second time as follows :
- ii. 973. To fix the times and places for holding the courts in the third judicial circuit of the state of Alabama;
 ii. 310. To allow appeals to the supreme court from decisions of the city and circuit courts in this state, granting or refusing to grant motions for new trials;
 ii. 206. To amend sections 4 and 11 of an act, entitled an act to establish the criminal court of Jefferson county;
 ii. 357. To prohibit the payment or allowance of claims against the estates of decedents which have been barred by the statute of limitations in the life of such decedent;
- By Mr. Hlandley, from finance, favorably,
 s. 492. To amend sections 18 and 19 of an act entitled an act to amend an act entitled an act to vacate and annul the charter and dissolve the corporation of the city of Opelika, and to provide for the application of the assets thereof in discharge of the debts of said corporation, approved February 19, 1883, and to provide for the compromise of the railroad bonds indebtedness, approved February 14th, 1885.
- By Mr. Parks, from revision of laws, favorably,
 s. 151. To amend an act entitled an act to amend sections

762 and 763 of the code of 1886, relating to the summoning of constables by the sheriffs to attend and wait upon the sittings of the circuit court of this state, approved February 28th, 1889;

s. 476. To amend an act approved February 28th, 1889, entitled an act to amend section 1 of an act approved February 6, 1885, entitled an act to amend section 4414 of the code;

By Mr. Haralson, from local legislation, favorably,

s. 497. To fix the time of holding the chancery court in the county of Etowah, state of Alabama.

By Mr. Milner, from internal improvements, favorably, with an amendment,

ii. 971. Concerning the organization and perpetuity of a voluntary association to be known as The Order of Columbia, a secret society, having a secret ritual, and providing laws for governing the same;

Also, favorably,

ii. 944. To prescribe and regulate the purchase of supplies for the several county offices, court house, jail, almshouse and convict camp of Jefferson county;

Also, with amendment,

ii. 545. To require the commissioners court of Jefferson county to pay for assistance to the solicitor for said county in suppressing crime, out of certain funds in the county treasury.

By Mr. Lackey, from municipal and county organizations, favorably,

ii. 558. To confer certain powers, rights and privileges in the state of Alabama upon the Atlanta and Birmingham Railroad Company, a corporation chartered under and by virtue of the laws of the state of Georgia;

ii. 754. To confirm, ratify and amend the charter of the Gurleys and Paint Rock Valley Railroad Company;

ii. 655. To define and regulate the liability of persons, partnerships and corporations operating in the county of Escambia, ditches, or canals, for the purpose of floating logs or timber therein.

By Mr. Harris of Lee, from agriculture, favorably,

ii. 829. To amend an act entitled an act to define and prescribe a lawful fence in certain portions of the county of Madison, approved February 28th, 1889;

ii. 491. To prevent hogs from running at large in certain portions of Madison county;

Also, with amendment,

ii. 823. To amend sections 4 and 6 of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections therein;

Also, favorably,

ii. 20. To prevent the keeping of cock-pits and publicly fighting cocks in the state of Alabama;

Also, favorably,

ii. 954. To establish the legal weights of agricultural products in this state;

ii. 876. To authorize the commissioners courts of Choctaw and Clarke counties to establish districts in which stock may be prevented from running at large.

By Mr. Godfrey, from penitentiary, favorably.

ii. 550. To improve the penitentiary and convict system of Alabama;

Also, with amendment,

ii. 633. To regulate the convict system of Alabama.

By Mr. Harris of Lee, from temperance, favorably,

s. 452. To amend section 1 of an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors in all places in Jefferson, Walker, Talladega, Autauga and Fayette counties, except in incorporated towns and cities having police regulation, approved February 16, 1889.

By Mr. Harris of Lee, from agriculture, a substitute for,

s. 215. To aid state and county agricultural fairs.

By Mr. Lackey, from municipal and county organizations, with an amendment and without recommendation,

ii. 757. To create a new county of portions of Clarke, Marengo and Wilcox counties, said new county to be called the county of Herndon;

Also, favorably,

ii. 748. To incorporate the Southern Steel Company;

ii. 69. To amend the charter of the city of Uniontown, county of Perry, state of Alabama;

Also, with amendment,

ii. 986. To amend section 2 of an act entitled an act to establish a new charter for the city of Talladega, approved February 28th, 1887.

By Mr. Handley, from finance, favorably,

ii. 1010. For the payment of five coupons of class A bonds destroyed by fire.

By Mr. Haralson, from local legislation, favorably,
s. 496. To provide for the better adjustment of damage done to freight by railroads in process of transit when such damage is under the value of ten dollars.

By Mr. Skeggs, from education, favorably, with amendment,

s. 439. To amend section 1 of an act to establish a normal school for the education of white male and female teachers at Troy, in Pike county, Alabama.

By Mr. Handley, from a select committee, favorably,

ii. 1073. To divide the state of Alabama into nine congressional districts.

On motion of Mr. Wiley, s. 439 was made a special order for to-morrow at 12 o'clock.

On motion of Mr. Handley, ii. 1073 was made a special order for to-morrow after call of committees.

PRIVILEGED QUESTION.

Mr. Nesmith rose to a question of privilege and moved to reconsider the vote by which the senate passed the bill,

ii. 644. To incorporate the town of Leighton, in the counties of Colbert and Lawrence.

The motion prevailed.

Mr. Nesmith moved to reconsider the vote, ordering the bill to a third reading;

Carried.

Mr. Nesmith offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Steagall, Wiley, Williams—22.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, February 11th, 1891.

To the Senate :

In compliance with joint resolution certified to me this day, I herewith return to the senate house bill 152.

THOS. G. JONES,
Governor.

QUESTION OF PRIVILEGE.

Mr. Skeggs arose to a question of privilege and moved to reconsider the vote, by which the senate passed the bill,

II. 152. To incorporate the Alabama Northern Railway Company and to further the construction of the same ;

The motion prevailed.

Mr. Skeggs moved to reconsider the vote ordering the bill to a third reading ;

Carried.

Mr. Skeggs offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Compton, Downey, Godfrey, Handley, Haralson, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Stansel, Steagall, Williams—20.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested, viz :

II. 279. To create a board of education for the city of Bessemer, and to prescribe the powers and duties of the same ;

II. 461. To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, or other intoxicating drinks within three miles of the Methodist church or school house, at Olney, Pickens county, Alabama ;

II. 609. To amend an act entitled an act "to expedite the trial of capital cases in Jefferson county ;"

II. 660. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within three miles of Adoniram church, in beat 5 in Henry county, Alabama ;

II. 661. To legalize the purchase of a ferry across the Chattahoochee river by the town of Columbia, Henry county, Alabama, and to authorize said town to run or operate the same ;

II. 758. To amend section two of an act entitled an act to create a separate school district in Marion and Lamar counties, and to define the boundaries thereof, approved February 27th, 1889 ;

II. 766. To incorporate the Southern Literary Society ;

II. 773. To authorize and empower the board of mayor and aldermen of the city of Tuscaloosa to issue bonds of said

city, not to exceed thirty-three thousand dollars, for the purpose of taking up and refunding all outstanding bonds of said city, upon which eight per cent. per annum is being paid as interest at the present time ;

H. 860. For the relief of William B. Morgan and Glenn Scoggins of Jefferson county ;

H. 802. To incorporate the Montgomery Manufacturers Aid and Improvement Company ;

H. 900. To amend section 1586 of the code ;

H. 859. To provide liens for mechanics and materialmen ;

H. 989. To confirm the incorporation and organization of the Hunter, Benn & Co. Company, and to define and declare the powers of said company ;

H. 913. To regulate the trial of misdemeanors in Shelby and Winston counties, Alabama ;

H. 838. To amend an act to authorize the commissioners court of Calhoun county to levy a tax for working public roads of said county, and to let out said roads by contract, approved February 28th, 1889 ;

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

BILLS RECOMMITTED.

On motion of Mr. Compton, house bill 271 was re-committed to the committee on the judiciary.

MESSAGE FROM THE HOUSE.

Mr. President .

The house has originated and passed the following bills :

H. 318. To amend and revise the charter of the town of Oxanna ;

H. 218. To amend section 2858 of the code ;

H. 293. To change the time of taking up the criminal docket in the circuit court of Marion county ;

ii. 702. To regulate the granting of licenses to sell vinous or spirituous liquors in the county of Marshall, State of Alabama;

ii. 810. To amend section two of an act to incorporate the Anniston Loan and Trust Company of Anniston, Alabama, approved February 28th, 1889;

ii. 886. To constitute a separate school district, to be known as the Flint school district, in the county of Morgan, and State of Alabama, and for the appointment of a board of trustees therefor and a levy of special tax;

ii. 762. To amend section seven of an act entitled an act to regulate the mode of selecting, drawing and empaneling grand and petit jurors for the county of Mobile, approved February 20, 1883, and likewise to amend sections two and five of an act entitled an act to amend sections four, five, thirteen and seventeen of an act entitled an act to regulate the mode of selecting, drawing and empaneling grand and petit jurors for Mobile county, approved February 20, 1883, and to amend as well sections one, two and five of an act approved February 16, 1885, entitled an act to amend sections six, eight, ten, eleven and thirteen of an act entitled an act to regulate the mode of selecting, drawing and empaneling grand and petit jurors for Mobile county, approved February 20, 1883, approved February 24, 1887;

ii. 520. To amend an act entitled an act for the preservation of game animals, birds and fish in Macon county, approved February 11, 1889;

ii. 422. To authorize the mayor and councilmen of the town of Avondale to issue bonds of said town for an amount not exceeding fifteen thousand dollars, for the purpose of building a school house, paying floating debt of the town, improving the streets, constructing sewers and making other permanent improvements in said town, and in buying a lot and building a school house for colored school;

ii. 829. For the relief of R. S. Gray of Clay county;

ii. 401. To provide for the more efficient working, keeping up, repairing and improving the public roads and bridges, and opening and making new public roads and bridges in the county of Morgan; to locate, construct and build, within the limits of the county, a system of public roads of a superior grade, to be known and designated as "county roads;"

ii. 341. To amend an act to establish a charter for the city of
ii. 710. Pike county;
and aldermen.

H. 874. To incorporate the Conning Land, Industrial and Trust Company;

H. 953. For the relief of Gay, Hardie & Co.;

H. 907. To reimburse C. J. Ross, sheriff of Pike county, for expenses incurred by him in going to Florida and removing one John Blue, a prisoner, from jail in Tallahassee, Florida, to Troy jail in Pike county, and for expenses in capturing one Johnson Ellis charged with murder, who was tried and convicted and is now serving a life sentence in the penitentiary of this state;

H. 625. To relieve Thomas W. Oliver, jr., of Montgomery county, Alabama, of the disabilities of non-age;

H. 514. To permit the proprietor of Shelby Springs to sell spirituous, vinous or malt liquors on his premises during the summer;

H. 1039. To regulate the bonded indebtedness of Pickens and Tallapoosa counties;

H. 526. To declare Wm. H. Betts, Luke Coley, A. D. McNeil, Wm. Lane, Jordan Mc. Crawford and B. F. Johnson, of the county of Conecuh, citizens of Monroe county;

And has adopted joint resolution, herewith sent, relative to paying accounts of employès of the two houses.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, the titles of which are set out in the foregoing message, were severally read once and referred to appropriate committees, as follows:

H. 762, to judiciary;

H. 827, 953, 907, 1039, to finance;

H. 282, to revision of laws;

H. 293, 120, 401, 625, 526, to local legislation;

H. 886, to education;

H. 702, 514, to temperance;

H. 318, 810, 422, 341, 874, to municipal and county organizations.

The senate concurred in the foregoing house joint resolution, relative to payment of employès of the legislature.

RESOLUTIONS.

By leave, Mr. Haralson offered a resolution, as follows:

Resolved, That on to-morrow (Thursday) the senate consider only senate bills on the calendar till disposed of; and that when the senate adjourns on to-morrow afternoon it adjourns to meet at 7:30 p. m.;

Which was referred to the committee on rules.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR.

MONTGOMERY, February 11, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing with accompanying documents.

J. K. JACKSON,
Private Secretary.

The message was read as follows :

CHIEF EXECUTIVE OFFICE,

MONTGOMERY, Feb. 11, 1891.

To the General Assembly:

Under existing laws there is no adequate provision for the establishment and maintenance of an effective quarantine by and in this state, against the importation of yellow fever and other infectious diseases, from foreign and domestic ports where such diseases may prevail. That yellow fever, and perhaps cholera, do not originate in the United States, when found therein, but are imported from other countries seems to be no longer a debatable question. That the spread of yellow fever, when imported, may often be prevented by efficient and scientific quarantine is emphasized by the recent history of the city of New Orleans and other gulf ports. The death and devastation which has been wrought by the pestilence, and the panic and terror which it has created in large sections of the Union in recent years, has attracted the attention of the scientific world to the best methods of preventing the introduction of the disease, and, after its introduction, the best methods of preventing its propagation or spread.

Our sister states of the Gulf, Florida, Louisiana and Texas, as I am informed, have constructed and are now maintaining the most improved quarantine plants at the entrance to their respective harbors; and New Orleans, on the one hand, and Pensacola on the other, as I am informed, are provided with disinfecting machinery, which in the opinion of experts and scientists offers the best known preventive against the introduction of fever through the ports; while at the same time it furthers and stimulates local commerce by imposing minimum burdens upon those engaged in commerce.

Alabama is unprotected by such means, and, by reason of such lack of protection, is a standing menace of danger to her own citizens, as well as to her more careful and provident neighbors.

Bills are now pending before your honorable bodies looking to the maintenance of improved and efficient quarantine at the port of Mobile. They provide that a large portion of the expense shall be borne by the county of Mobile. I have been informed by committees that waited on me from the Chamber of Commerce, Commercial Club, Cotton Exchange, municipal and county authorities and health officers, that these bills have been introduced at the earnest request of all classes of our people in Mobile. The appropriations asked for on the part of the state are proposed to run for a period of four years, and on that account will not be burdensome in any particular year. No matter what the condition of the treasury, expenditure for such a purpose is wise, even if the state had to borrow money in the end to meet it. The sense of security alone which would result from such a quarantine would be worth millions of dollars to the people of Alabama.

I heartily commend the subject to your earnest consideration, and trust, if the bills are in any way objectionable, they will be perfected and become laws at this session.

Apart from this, there are other considerations which demand the passage of measures of this sort. Practically the state, as such, has no effective means of exercising quarantine power to prevent the importation of disease from abroad. True, we have a State Board of Health, which is composed of the Medical Association of the State of Alabama. This association meets but once a year. On well known legal principles it cannot delegate its powers

to a committee or any other functionary. Its membership is very numerous, and a majority of them must attend any meeting to adopt or put in force quarantine regulations. It has no authority over quarantines maintained by cities and towns. By an act approved February 28th, 1889, to amend the quarantine laws of the state, the state health officer, under the direction of the state board of health, has power if the municipal authorities and county health officer in any locality consent, to modify the restrictions of quarantines established by county and municipal authorities, either with the view of making them more stringent or moderating their exactions. Under this law, he is powerless to do anything, in either direction, except by the consent of the local authorities. Different local authorities naturally have different views, and it is not practical under this power to have any uniform or consistent system on the subject. While I would not advocate arming state officers with the power to determine, as against the wishes of the local authorities, what persons who have been exposed to infection should stop in any locality, I think it would be the highest wisdom to give some state board effective authority to determine the rules and regulations under which those who have been exposed to infection, might pass through localities maintaining quarantine in order to seek refuge and safety in localities where their presence would not endanger the public health. Isolated quarantines, heretofore maintained by numberless local authorities, some of whom permit persons who have been exposed to danger to pass through their bounds, while others forbade such persons to pass through their limits, and when found in public conveyances ejected them at points, where they were unprotected and without any provision for the care of their health in the event they should be seized with disease, have in times past been a reproach to humanity and civilization. They have been the means of originating and increasing wide spread panic, injuring commerce and trade, and destroying a sense of security in the public mind. Experience has abundantly proved that it is safer, as well as more humane, to watch the fugitive from disease, and pass him through under proper regulations, than to forbid his going through one locality to reach another place of safety—compelling him to resort to subterfuges and increase the risk of his being stricken with the disease, without the knowledge of the authorities in the locality where his presence is prohibited.

With our own and the other gulf ports protected as they are, or will be by improved quarantine methods, there is abundant ground to hope that in the future our people will be spared not only the visitation of the pestilence, but the alarm and demoralization which results, under our present system, whenever it obtains a foothold in this or any of our sister states.

The rapid development of our mineral wealth, the constant opening of new mines, and the increasing number of men who work in them, renders it incumbent on the state to make some provision looking to the better protection of the lives and health of the miners. Conditions here do not require the stringent laws existing in some other states, but there is no doubt that some conservative legislation is needed on the subject, and if possible, should be passed at this session.

The passage of the bill for redistricting the state will, in my judgment, redound to the welfare of Alabama and relieve a situation in one of the districts at least, which has long been made the pretext for fomenting much sectional irritation, and has often been urged as justification for hostile congressional legislation against our people.

THOS. G. JONES,
Governor.

On motion of Mr. Handley, the governor's message was laid on the table, and 100 copies ordered to be printed for the use of the senate.

The senate proceeded to consider the

SPECIAL ORDERS.

The bill,
s. 445. To loan and appropriate the two and three per cent fund now in the treasury,

Was taken up.

Mr. Godfrey offered an amendment, which was read, as follows:

1st amendment. Strike out the words "ten thousand" in second line of section one of the bill, and insert "five thousand" in lieu thereof.

2nd. Strike out the words "ten thousand" in the twelfth and thirteenth lines of section three of the bill, and insert in lieu thereof the words "five thousand."

3rd. Insert the following as section 10 of the bill, and change numbers of section to correspond :

SECTION 10. Be it further enacted, That the sum of five thousand dollars of the said two and three per cent. fund is hereby appropriated to the building of the "Black Warrior Railroad," a corporation under the laws of this state, and the said sum shall be paid to said company upon the completion of the grading of ten miles of said railway from the Mississippi state line in the direction of Tuskalooza.

Mr. Inzer moved to indefinitely postpone the amendment and bill.

Lost.

Yeas 2, nays 21.

Messrs. Inzer and Skeggs voted aye.

Nays—Mr. President, Bradley, Bloch, Compton, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Smith of Autauga, Stansel, Steagall, Waddell, Williams.

The foregoing amendment proposed by Mr. Godfrey was lost.

Yeas 5, nays 19.

Yeas—Mr. Godfrey, Harris of Lee, Inzer, Skeggs, Smith of Autauga.

Nays—Mr. President, Bradley, Bloch, Compton, Downey, Grant, Handley, Haralson, Harris of Hale, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Stansel, Steagall, Williams.

Mr. Parks offered an amendment, which was adopted as follows, viz :

1. Amend section 1 by striking out ten thousand dollars and insert instead thereof "nine thousand dollars."

2. Amend sections 2 and 4 by striking out ten thousand and insert "nine thousand."

3. Add to end of 4th section: Provided, that the state geologist shall give to the said commission all the information and aid in his power to enable them to properly locate the said railroad for the development of the mineral interests of the state.

4. Amend section 9 by changing the amount \$7,958 and 62-100 dollars to \$7,458 and 62-100 and add the following section :

SEC. 13. Be it further enacted, That the sum of fifteen hundred dollars of the two and three per cent. fund now in

the treasury be, and the same is hereby appropriated to the Rutledge and Julian Railroad Company, for the purpose of aiding it in the completion of its railroad from Julian to Rutledge, and the auditor of Alabama is hereby authorized to draw his warrant upon the treasurer for said sum of fifteen hundred dollars, payable to the president of said Rutledge and Julian railroad.

The bill was read a third time and passed—yeas 21, nays 1.

Yeas—Mr. President, Bradley, Bloch, Comoton, Davie, Downey, Grant, Handley, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Stansel, Stegall, Williams—21.

Mr. Inzer voted no.

Mr. Milner moved that the senate reconsider the vote by which said bill passed, and to lay that motion on the table.

The motion to table prevailed.

The bill,

s. 460. To better provide for the protection of the health and the promotion of the well being of prisoners in jail,

Was taken up.

Mr. Lackey offered an amendment, which was adopted, as follows:

“Provided, that the provisions of this act shall not apply to the counties of Coosa, Elmore, Chilton, Wilcox, Clay, Fayette, Lamar, Marion, Franklin, Lawrence and Talladega.”

RECESS.

Pending the consideration of said bill, at 1:30 p. m., the senate took a recess, till 4 p. m.

AFTERNOON SESSION.

The senate re-assembled at four o'clock p. m.:

A quorum was present;

REQUEST TO RETURN BILL.

On motion of Mr. Smith of Autauga, the house was requested to return the house bill 519.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
 OFFICE OF THE GOVERNOR,
 MONTGOMERY, Feb'y. 11, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,
 Private Secretary.

The governor's message was read as follows :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
 OFFICE OF THE GOVERNOR,
 MONTGOMERY, Feb. 11, 1891.

To the General Assembly:

There are now in the hands of the treasurer, 1886 Alabama six per cent. bonds which have been redeemed, cancelled and recorded as provided by the act of the general assembly, approved February 22nd, 1887.

No useful purpose can be subserved by preserving them, and they take up space in the treasurer's safes which might be better utilized for more valuable papers.

I commend the adoption of the accompanying joint resolution for the destruction of said bonds and for the making of a proper certificate thereof.

THOS. G. JONES,
 Governor.

NOTE.—The joint resolution accompanying the governor's message, is the same as that offered by Mr. Compton below this.

RESOLUTION.

By leave Mr. Compton offered a joint resolution ;
 To authorize the destruction by burning of the redeemed Alabama six per cent. bonds and to require a proper certificate of their destruction.

Adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed and ordered forthwith to the senate without engrossment the following bills:

H. 761. To exempt the secretary of the chamber of commerce of the city of Mobile from jury duty;

H. 979. To amend the preamble and section one of an act to prescribe the civil jurisdiction and regulate the practice in civil cases in the city court of Mobile, approved December 12, 1888;

H. 988. To authorize and empower the court of commissioners of the counties of Monroe and Escambia, to levy and collect a tax on all dogs owned or kept in said counties;

H. 689. To fix the compensation of county commissioners of Calhoun county, Alabama;

H. 811. To extend the jurisdiction of the notary public and ex-officio justice of the peace, in ward No. 4, in the city of Anniston, so as to cover the corporate limits of the city of Anniston;

And has adopted the joint resolution herewith sent, relative to the destruction of redeemed Alabama six per cent. bonds;

And accedes to the senate request for the return of

H. 519. To incorporate the town of Fort Deposit, in the county of Lowndes;

And has amended and passed

S. 233. To confirm, amend and enlarge the charter of the Birmingham Railway and Electric Company;

And has concurred in the senate amendment to

H. 152. To incorporate the Alabama Northern Railway Company and to further the construction of the same;

And has originated, and passed, and ordered forthwith to the senate, without engrossment, the following bills:

H. 696. To amend an act entitled an act to incorporate the town of Brewton, in Escambia county, approved February 13th, 1885;

H. 1066. To incorporate the Evergreen Industrial Normal School;

H. 670. To remove the disabilities of non-age of John S. Pollard, a minor;

H. 997. To ratify and confirm the charter and incorporation of the Tallodega Gas Light and Water Company, and the acts done thereunder;

And has passed

s. 103. For the relief of the Columbus Insurance and Banking Company of the state of Mississippi;

And has originated, and passed, and ordered forthwith to the senate, without engrossment,

ii. 743. To confirm the incorporation of the Shakespeare Club of Birmingham, Alabama, and the change of the name of said club to "The Alabama Club," and to enlarge the powers and capacities of said club.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The senate concurred in the house amendment to the senate bill 233, set out in the foregoing house message.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Grant, Handley, Harris of Hale, Harris of Lee, Hayes, Inze, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Wiley—21.

The senate adopted the house joint resolution relative to the destruction of certain redeemed six per cent. Alabama bonds.

The house bills, the titles of which are set out in the foregoing message, were severally read a first time and referred to appropriate committees as follows:

ii. 761, 689, 811, 670, to local legislation;

ii. 979, to judiciary;

ii. 988, to agriculture;

ii. 696, 1066, 997, 743, to municipal and county organizations.

PRIVILEGED QUESTIONS.

Mr. Smith of Autauga arose to a question of privilege and moved to reconsider the vote by which the senate passed the bill,

ii. 519. To incorporate the town of Fort Deposit, in the county of Lowndes;

The motion to reconsider prevailed.

Mr. Smith of Autauga moved to reconsider the vote by which the bill was ordered to a third reading;

Carried.

Mr. Smith of Autauga offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Wiley—25.

The senate resumed the consideration of

THE SPECIAL ORDERS.

The bill,

s. 460. To better provide for the protection of the health and the promotion of the well-being of prisoners in jail;

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Wiley—24.

The bill,

n. 869. For the relief of needy confederate soldiers and sailors, residents of Alabama, who from wounds or other cause, are now unable to earn a livelihood; and for the widows of such as were killed or died in said war, and have not since re-married,

Was taken up.

Mr. Haralson offered an amendment, which was adopted as follows:

Amend by striking out \$400 in the last line of section one of this bill and insert in lieu thereof \$600.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Stansel, Steagall—22.

The bill,

s. 278. For the proper ventilation and conduct of coal mines or collieries in the state of Alabama, and providing for the creation of a state board of examiners for the examination of candidates for the office of mine inspector and prescribing the mode of such inspectors's appointment, duties, and term

of office, and providing for his compensation and that of examiners,

Was taken up, and, on motion of Mr. Milner, the pending substitute was laid on the table.

Mr. Milner offered a substitute for said bill.

Mr. Hayes moved to lay the bill and substitute on the table;

Lost.

Yeas 6, nays 19.

Yeas—Mr. Handley, Haralson, Harris of Hale, Hayes, Inzer, Wiley—6.

Nays—Mr. President, Bradley, Bloch, Davie, Downey, Grant, Godfrey, Harris of Lee, Hundley, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall—19.

On motion of Mr. Grant, the further consideration of the bill was postponed and made a special order for to-morrow at 12 o'clock, and continued from day to day until disposed of.

On motion of Mr. Hundley, fifty copies of the proposed substitute were ordered to be printed for the use of the senate.

The bill,

s. 292. To amend section 3685 of the code of Alabama of 1886,

Was taken up and the adverse report concurred in;

The bill,

II. 366. To provide for a system of water works for the city of Sheffield, Colbert county, Alabama,

Was taken up.

ADJOURNMENT.

And pending the consideration thereof, the senate adjourned at 6 p. m.

FORTY-SIXTH DAY.

THURSDAY, Feb. 12th, 1891.

The senate met pursuant to adjournment.

Payer by Rev. Mr. Rush of the city.

Present—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autanga, Stansel, Steagall, Williams—26.

The journal of yesterday was approved without being read.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled :

s. 223. To authorize the Opelika police board to order an election in the city of Opelika ;

s. 109. To amend section 4533 (5002) of the code ;

s. 118. To dissolve garnishments in cases where the defendant executed bond to plaintiff ;

s. J. R. Joint resolution authorizing Saffold Berney to use certain plates, the property of the state ;

s. 261. To amend sections two and seven of an act entitled an act to constitute the city of Montgomery a separate school district ;

s. 233. To confirm, amend and enlarge the charter of the Birmingham Railway and Electric Company, and to ratify and confirm the consolidation of the Bessener and Birmingham Railroad Company with other corporations therein named.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing report of enrolled bills.

CALL OF DISTRICTS.

Bills were introduced, read a first time, and referred to appropriate committees as follows :

By Mr. Milner—

s. 502. To regulate the practice of undertaking in the state of Alabama ;

Internal improvements.

Also,

s. 503. To amend sections 4 and 11 of an act entitled an act to establish the criminal court of Jefferson county;

Referred to a special committee of Messrs. Milner, Parks and Smith of Autauga.

BILLS ON SECOND READING.

Bills were reported from committees, and read a second time, as follows;

By Mr. Stansel, from judiciary, without recommendation,
s. 28. To assess the value of stock killed or injured by the trains or locomotives of railroads in Mobile county and to provide for the collection thereof.

By Mr. Handley, from finance, favorably,
H. 953. For the relief of Gay, Hardie & Co.

By Mr. Haralson, from local legislation, favorably,
s. 499. To authorize the court of county commissioners for Perry county to establish one or more ferries across the Cahaba river in Perry county;

H. 640. To authorize W. D. Caddell to make title deeds to certain lands in Bibb county;

H. 693. To authorize the commissioners court of Covington county to set aside a special tax for the pay of grand and petit juries in said county;

H. 582. To prevent camp hunting in Blount county, Alabama;

H. 482. * To require the amount of all special taxes for building and repairing bridges and causeways and repairing court house, or jail, levied and collected by Crenshaw county, in excess of the amount actually needed at the time for such special purposes for which such taxes were levied and collected, to be kept in the county treasury separate and apart from all other funds, and to be used only for the special purposes for which it was levied and collected;

H. 844. To amend an act entitled an act to prevent stock from running at large in the several beats in Tallapoosa and Coosa counties and to authorize an election thereon, approved February 26th, 1887;

H. 857. To amend section (2) of an act to amend an act entitled an act to create a separate school district in Jackson county, to be known as Pleasant Grove, out of a part of township 5, range 6 east, approved February 15th, 1889;

ii. 714. To provide for a re-registration of all claims against the fine and forfeiture fund of Franklin county;

ii. 736. To authorize the substitution of bonds of the county officers, justices of the peace, notaries public, constables, executors, administrators and guardians, in Franklin county;

ii. 651. To provide for the protection and preservation of game animals, and birds in Fayette county;

ii. 921. To protect and regulate the manner of catching and taking fish in any of the creeks in Hale county, within a certain distance from where said creeks empty in the Warrior river.

By Mr. Skeggs, from education, favorably,

ii. 376. To create a separate school district of certain fractional townships in Dallas county;

ii. 991. To create a separate school district in the city of Florence, Alabama, to define the boundaries thereof and provide for the maintenance of a school therein;

ii. 826. To change the name of the Ashland Educational Company and to grant additional powers;

ii. 949. To authorize and empower the board of trustees of the Scottsboro College and Normal school to sell and convey the property and franchises of said institution;

ii. 870. To permit and provide for the incorporation of separate school districts in the county of Tuscaloosa;

ii. 589. To declare "the board of education of the separate school district of the city of Tuscumbia" the successors in office of "the trustees of the Tuscumbia Male Academy," and to authorize said board of education to sell and convey certain real estate belonging to "the trustees of the Tuscumbia Male Academy," for school purposes;

By Mr. Lackey, from municipal and county organizations, favorably, with amendment,

ii. 696. To amend an act entitled an act to incorporate the town of Brewton, in Escambia county, approved February 13th, 1885;

ii. 318. To amend and revise the charter of the town of Oxanna.

By Mr. Cowan, from temperance, favorably,

ii. 592. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous or malt liquors, or intoxicating bitters, beverages, or drinks, or fruits preserved in alcoholic liquors in the county of Montgomery, and other places therein named, approved Feb-

ruary 28, 1887, so far as the same applies to the town of Leighton, in Lawrence and Colbert counties, or within four miles thereof;

By Mr. Haralson, from local legislation, favorably,

ii. 751. To amend section one of an act entitled an act for the preservation of game in Limestone, Cullman and Madison counties, approved February 26th, 1887;

ii. 881. To declare certain lands in Greene county in this state, now belonging to T. U. Cobb, Mary Cobb, Mary E. Walker and Amenia O. J. Upelurch, a district in which stock shall be prevented from running at large and to provide that the provisions of an act entitled an act to authorize the commissioners court of Greene county to establish districts in which stock may be prevented from running at large, approved February 17th, 1885, shall be applicable to said district.

By Mr. Milner, from internal improvements, favorably,

ii. 958. To incorporate the East Lake Water and Electric Company and to confer upon said company certain corporate powers;

s. 500. To incorporate the North Alabama Oil and Gas Pipe Line Company.

By Mr. Compton, from the judiciary, favorably,

ii. 360. To amend section 1583 (2008) of the code of Alabama.

By Mr. Harris of Lee, from agriculture, favorably,

ii. 988. To authorize and empower the court of county commissioners of the county of Monroe to levy and collect a tax on all dogs owned or kept in said county.

By Mr. Skeggs, from education, favorably,

ii. 628. To authorize the mayor and aldermen of the city of Girard to establish a system of public schools in said city; Also, a substitute for,

ii. 11. To establish a separate school district in Dale county to be known as Deans school district.

By Mr. Cowan, from temperance, favorably, with an amendment,

ii. 514. To permit the proprietor of Shelby Springs to sell spirituous, vinous or malt liquors on his premises during the summer.

By Mr. Handley, from finance, favorably,

ii. 1039. To regulate the bonded indebtedness of Pickens and Tallapoosa counties.

By Mr. Inzer, from municipal and county organizations, favorably,

s. 226. To amend section one of an act entitled an act to confirm the incorporation of the town of New Decatur, in the county of Morgan, and to enlarge and define the corporate powers of said town, approved February 13th, 1889;

s. 450. To incorporate the "Savings, Loan and Trust Company" of New Decatur, Alabama;

s. 300. To incorporate the town of River Falls in Covington county, Alabama, and to authorize it to cut a canal and issue bonds for certain purposes;

ii. 999. To establish a charter for the city of Bridgeport;

ii. 997. To ratify and confirm the charter and incorporation of the Talladega Gas, Light and Water Company, and the acts done thereunder;

ii. 1066. To incorporate the Evergreen Industrial Normal School;

ii. 743. To confirm the incorporation of the Shakespeare Club of Birmingham, Alabama, and the change of the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club.

ii. 497. To authorize the corporate authorities of the city of Gadsden to release and surrender the option of the city of Gadsden to redeem the bonds that have been issued by the said corporate authorities known and designated as "Sanitary bonds," and to authorize said corporate authorities to issue the remainder of the one hundred thousand dollars of said bonds authorized by act of the general assembly of Alabama, approved February 28, 1887, and also, by act amendatory thereof, approved February 28th, 1889, to run no longer than thirty years;

ii. 874. To incorporate the Corning Land, Industrial and Trust Company;

ii. 422. To authorize the mayor and councilmen of the town of Avondale to issue bonds of said town for an amount not exceeding fifteen thousand dollars, for the purpose of building a school house, paying floating debt of the town, improving the streets, constructing sewers and making other permanent improvements in said town, and in buying a lot and building a school house for colored school;

ii. 341. To amend an act to establish a charter for the city of Troy in Pike county;

ii. 810. To amend section two of an act to incorporate the Anniston Loan and Trust Company of Anniston, Alabama, approved February 28th, 1889;

II. 738. To amend an act approved February 24th, 1887, entitled an act to amend section three of an act entitled an act to amend an act, approved January 28th, 1870, to incorporate the town of Columbia, Henry county;

II. 443. To amend an act entitled an act to establish a new charter for the town of Attalla, approved February 28th, 1889;

II. 477. To confirm, amend and enlarge the charter of the trustees of the Hospital of United Charities of Birmingham, Alabama, and to confer additional powers on said corporation;

II. 840. To authorize the mayor and board of aldermen of the town of Eutaw to pass an ordinance requiring temporary merchants doing business in said town to first take out a license therefor;

II. 749. To increase, enlarge, extend, confirm, establish and ratify the charter and corporate powers of Crews Normal College, of Lamar county, Alabama.

By Mr. Cowan, from temperance, favorably,

II. 702. To regulate the granting of licenses to sell vinous or spirituous liquors in the county of Marshall, State of Alabama.

By Mr. Parks, from revision of laws, favorably,

II. 803. To amend an act entitled an act to amend sections 463 and 529 of the code of Alabama, approved February 23, 1889.

By Mr. Handley, from finance, favorably,

II. 907. To reimburse C. J. Ross, sheriff of Pike county, for expenses incurred by him in going to Florida and removing one John Blue, a prisoner, from jail in Tallahassee, Florida, to Troy jail in Pike county, and for expenses in capturing one Johnson Ellis charged with murder, who was tried and convicted and is now serving a life sentence in the penitentiary of this state;

II. 827. For the relief of R. S. Gray of Clay county.

PRIVILEGED QUESTION.

Mr. Hundley arose to a question of privilege, and moved to reconsider the vote by which the senate concurred in the adverse report on the bill,

s. 292. To amend section 3685 of the code of Alabama;

And the motion to reconsider prevailed.

JOINT RESOLUTIONS.

By leave, Mr. Handley offered a joint resolution, which was adopted, as follows :

To authorize the treasurer to use the fees paid into the treasury for exchange of registered bonds to provide new blank bonds.

By leave, Mr. Wiley offered a joint resolution requesting the return of house bill 802, which was adopted.

REPORT OF COMMITTEE ON RULES.

Mr. Stansel, from the committee on rules, submitted the following report, which was adopted and fifty copies thereof ordered printed, viz :

The committee on rules, to which has been referred a number of resolutions suggesting changes and amendments to the rules of the senate, ask leave to make the following report, and recommend the following changes in senate rules :

1. That during the rest of the session no local bills shall be taken from the calendar out of their order without the unanimous consent of the senate.

2. That on to-day (February 11), except existing special orders and unfinished house messages, the senate shall consider only senate bills, and that when the senate adjourns this p. m. at 6 o'clock, it meet again this p. m. at 7:30.

3. That no senator be permitted to speak without leave of the senate more than five minutes, and not more than twice on any one question.

4. That the senate adopt the following as one of the standing rules of the senate, to known as rule No. 46, to-wit :

No amendment which proposes general legislation, or which is not germane or relevant to the subject-matter contained in the general appropriation bill, shall be received on the consideration of the general appropriation bill.

Adopted, February 12, 1891.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, Feb'y. 11, 1891.

Mr. President:

I have the honor to inform you that the following bills, which originated in the senate, have been approved by the governor:

245, 271, 209, 208, 47, 52, 246, 87, 243, 116, 57, 341, 20, 78, 224, 42, 33, 187, 46, 40, 163, 247, 288, 174, 34, 332, 210, 60, 298, 11, 340, 12, 55, 296, 303, 165, 324, 152, 168, 140, 190, 337.

Respectfully,

HARVEY E. JONES,
Recording Secretary.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, February 12, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,
Private Secretary.

The message was read as follows:

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, February 12th, 1891.

To the General Assembly:

I herewith transmit for your information a resolution of the general assembly of the state of Illinois, relative the World's Columbian Exposition.

THOS. G. JONES,
Governor.

STATE OF ILLINOIS.
THIRTY-SEVENTH GENERAL ASSEMBLY,
HOUSE OF REPRESENTATIVES,
SPRINGFIELD, Jan. 21, 1891.

On this day, in open session, Hon. Jacob Miller, of Cook county, arose in his place and offered the following resolution, which was adopted by a unanimous vote :

Resolved by the house of representatives, the senate concurring herein, That the thanks of the state of Illinois are hereby tendered to our sister states and territories for their kind efforts to make the World's Columbian Exposition a world famed success, and that a copy of this resolution be suitably engrossed and transmitted to the executive of the various states and territories.

W. H. HENRICHSON,
Clerk.

Concurred in by senate, Jan. 23, 1891.

L. F. WATSON,
Sec'y Senate.

REPORT OF CONFERENCE COMMITTEE.

Mr. Parks, from committee of conference, submitted the following report :

Mr. President :

The committee of conference on the part of the senate and house, to whom was referred the matter of the disagreement of the two houses on senate amendment to H. 141, beg leave to make the following report : We recommend that the house concur in all senate amendments.

I. H. PARKS,
L. D. GODFREY,
Committee on part of the senate.
J. W. FOSTER,
H. D. CLAYTON,
F. M. PETTUS,
Committee on part of the house.

The report of the committee of conference was concurred in.
Yeas 26, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Da-

vie, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Wiley.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills :

II. 552. To provide a new charter for the town of Russellville ;

II. 1092. To authorize the town of Dothan to levy and collect license taxes upon professions, occupations, vocations and businesses, practiced or engaged in within said town ;

II. 1068. To regulate the fine and forfeiture fund in Tallapoosa county, Alabama ;

II. 1036. To provide for the disposition of the cases now in the inferior court of Cullman county ;

II. 71. To incorporate the town of Mellville, in the county of Winston ;

II. 1072. To amend section two of an act entitled an act to amend the charter of the First Presbyterian church of Talladega, Alabama ;

II. 1004. To amend sections one and two of an act entitled an act for the preservation of game animals and birds, in the counties of Sumter and Chilton, approved February 28, 1889, so far as the same relates to Sumter county ;

II. 760. To establish a charter for the town of Albertville, in Marshall county, Alabama ;

II. 1069. To authorize the board of mayor and aldermen of the town of Dothan to negotiate a loan for the purpose of improving, grading and draining the streets, avenues and alleys of said town, establishing waterworks, fire department, electric light plant and the payment of the town's indebtedness, and for other various improvements of said town ;

II. 772. To confer upon the mayor of the city of Tuscaloosa jurisdiction concurrent with the county court of Tuscaloosa county of the offenses of vagrancy, violations of Sunday laws, assaults, assaults and batteries and affrays, in which no stick or other weapon is used, abusive language, cruelty to animals and public drunkenness, when committed in the corporate limits of the city of Tuscaloosa ;

II. 1029. To incorporate the Salem Camp-Ground Association of Bullock county ;

ii. 763. To amend sections one and two of an act entitled an act to preserve order at the Asberry camp-ground in the county of Monroe, and at Spring Hill camp-ground in Butler county, and at Pottersville camp and Ramage Spring camp-ground in Pike county, and at Tabernacle and Andrews Chapel camp-ground in the county of Pickens;

ii. 987. To amend section 3887 of the code, so far as the same relates to Cherokee and Etowah counties;

ii. 684. To amend sections 4887 (4927) (4459) of the code, so far as the same relates to Sumter county;

ii. 792. To regulate the trial of misdemeanors in the county of Macon;

ii. 740. To authorize the town of Columbia, in Henry county, Alabama, to assess and collect a license tax from persons, companies or corporations doing business in said town;

ii. 717. To repeal an act entitled an act to regulate the sheriffs and coroners sales in the county of Shelby;

ii. 674. To amend section eleven (11) of an act entitled an act to prevent horses, mules, asses, cows, hogs, sheep and goats from running uncontrolled on crops in the county of Montgomery, and to prescribe a rule of damages and the rules of practice in the trials of cases under this act, approved February 24th, 1887;

ii. 632. To amend an act entitled an act for the protection of dogs, approved February 12th, 1887;

And has adopted joint resolution and memorial to congress asking for passage of ii. r. bill No. 12877.

And has concurred in the senate amendments to the following bills:

ii. 913. To regulate the trial of misdemeanors in Shelby and Winston counties;

ii. 859. To provide liens for mechanics and material men;

ii. 644. To incorporate the town of Leighton, in the counties of Colbert and Lawrence, Alabama;

And has concurred in the conference report on

ii. 259. To amend section 141 of the code;

And has concurred in the senate joint resolution with reference to the destruction by fire of certain redeemed Alabama bonds;

And has passed the following senate bills:

s. 180. To repeal an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters at or within certain localities in this state

therein designated, to-wit: In Spring Hill, Marengo county, and within six miles thereof, and various other places, approved February 28th, 1881, so far as the same applies to VanDorn, Marengo county, and the territory adjacent thereto for one hundred yards;

s. 305. To incorporate the Pythian Temple Company of Birmingham, Alabama;

s. 286. To incorporate the Jasper Water Works Company;

s. 267. To authorize the mayor and city council of Jacksonville to issue bonds of said city for an amount not exceeding fifty thousand dollars, for the purpose of making and improving streets, the public square and grounds about the public spring and in paying whatever outstanding floating (not bonded) indebtedness said city may have at the passage of this act;

And has amended, by way of substitute,

s. 123. To divide the county of Blount into two circuit court districts, and to provide for the holding of such courts at Oneonta and at the point on the South and North Railroad in the county of Blount, at which the commissioners court of Blount county may locate the court house for the western division in said county,

With the following title:

s. 123. To establish an additional circuit court in the county of Blount and to provide a place for holding the same;

And has amended, by way of substitute, the bill,

s. 249. To provide for an election to settle the question of a change of the name of the town of Jacksonville from Jacksonville to Tredegar,

With the title:

s. 249. To authorize the mayor and city council of the town of Jacksonville to order an election to change the name of the same upon the petitions and vote of the citizens as herein provided;

And has amended

s. 188. To provide for the election of the county superintendent of education in the county of Wilcox;

And has originated, and passed, and ordered forthwith to the senate, without engrossment, the following bills:

II. 1028. To pay for articles purchased for the use of the senate and house of representatives and for repairing the senate chamber and the hall of the house of representatives, and

for repairing and furnishing the rooms of the engrossing and enrolling clerks of the house of representatives ;

s. 1055. To authorize the governor to cause to be instituted in the name of the state, proceedings for the acquirement by condemnation of any lands, right of way or material needed for the use of the penitentiary or the maintenance or operation of the hard labor system of the state.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, set out in the foregoing messages, were severally read a first time and referred to appropriate committees as follows :

- H. 1036, to judiciary ;
- H. 1028, to finance ;
- H. 552, 1068, 1029, 987, 684, to local legislation ;
- H. 772, 792, to revision of laws ;
- H. 1004, 632, 763, 674, to agriculture ;
- H. 1055, to penitentiary ;
- H. 1072, 760, 1069, 1092, 713, 717, 740, to municipal and county organizations.

The senate concurred in the house amendments to senate bill 123.

Yeas 24, nays 0.

Yeas—Mr. President, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Wiley—24.

The senate concurred in the house amendments to senate bill 249.

Yeas 19, nays 0.

Yeas—Mr. Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Stansel, Steagall, Wiley—19.

The senate concurred in the house amendments to senate bill 188.

Yeas 22, nays 0.

Yeas—Mr. President, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Wiley—22.

On motion of Mr. Handley, the senate proceeded to consider the house amendment to

s. 354. To better provide for the establishment and working of the public roads in this state,

And non-concurred in said amendment.

The hour of 12 o'clock having arrived, the senate proceeded to consider

THE SPECIAL ORDERS.

The bill,

H. 366. To provide for a system of water works for the city of Sheffield, Colbert county, Alabama,

Was taken up.

The adverse report was concurred in.

Yeas 15, nays 10.

Yeas—Mr. President, Bloch, Compton, Downey, Grant, Godfrey, Handley, Harris of Hale, Hayes, Inzer, Lackey, Parker, Smith of Autauga, Stansel, Wiley—15.

Nays—Mr. Bradley, Davie, Haralson, Harris of Lee, Hundley, Milner, Minge, Nesmith, Reynolds, Skeggs—10.

Mr. Wiley moved to reconsider the vote by which the adverse report was concurred in and to lay that motion on the table.

The motion to table prevailed.

The bill,

H. 1073. To divide the state of Alabama into nine congressional districts,

Was taken up.

The bill was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Waddell—28.

On motion of Mr. Cowan, the bill,

H. 757. To create a new county of portions of Clarke, Marengo and Wilcox counties, said new county to be called the county of Herndon,

Was postponed and made a special order for to-morrow after the call of committees.

On motion of Mr. Downey, the bill,

s. 409. To provide for a more efficient system of working the public roads,

Was taken up.

Mr. Downey offered an amendment, adding an additional section to the bill, which was adopted.

Mr. Haralson offered an amendment, which was adopted, as follows:

Provided, that the counties of Jackson, Marshall, DeKalb, Marengo, Tuscaloosa, Bibb, Barbour, Limestone, Lauderdale, Morgan, Blount, Winston, Cherokee, Etowah, St. Clair, Calhoun, Randolph, Chambers, Bullock, Clay, Talladega, are excluded from the provisions of the bill.

Mr. Inzer moved to lay the bill on the table.

Carried.

The bill,

s. 463. To prohibit justices of the peace and notaries public, with the jurisdiction of justices of the peace from sentencing defendants to hard labor for costs.

Was taken up, and the pending amendment was adopted, as follows:

“Strike out all of section 1, after the word “costs” in 5th line.

The bill was read a third time and passed—yeas 21, nays 2.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Stansel, Steagall, Wiley—21.

Mr. Hayes and Mr. Hundley, voted no.

The bill,

II. 917. To establish the district court of Calhoun and Lauderdale counties;

Was taken up, read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Haralson, Hayes, Hundley, Inzer, Lackey, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall—21.

BILLS ON THIRD READING.

The bill,

s. 358. To empower William C. Ward as administrator of the estate of John B. Boddie, deceased, to sell the property of said estate without order of court and to borrow money by mortgaging the property of said estate to pay debts,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Bloch, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Reynolds, Smith of Autauga, Stansel, Steagall, Wiley—19.

The bill,

s. 473. To further regulate the Alabama State Troops,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Bloch, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Stansel, Steagall, Wiley—19.

The bill,

s. 477. To amend section 3253 of the code of Alabama,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Bradley, Bloch, Cowan, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall—19.

The bill,

s. 457. To amend section 4069 of the code of Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. Bradley, Bloch, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Stansel, Steagall—20.

The bill,

s. 461. To ratify the consolidation of the Mobile and Mississippi River Railroad Company with the Mississippi River and Mexican Gulf Railroad Company under the name of the Mobile, Wesson and Mississippi River Railroad Company,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. Bradley, Bloch, Cowan, Compton, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Stansel, Steagall—20.

The bill,

s. 449. To authorize the mayor and aldermen of the town of New Decatur, in Morgan county, Alabama, to divide said town of New Decatur into wards,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. Bradley, Berry, Compton, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer,

Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall—21.

The bill,

s. 475. To incorporate the Commercial Savings Bank of Birmingham, Alabama,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. Bradley, Compton, Davie, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel—17.

The bill,

s. 469. To authorize the governor to cause to be instituted in the name of the state, proceedings for the acquirement by condemnation of any lands, right of way or material needed for the use of the penitentiary, or the maintenance or operation of the hard labor system of the state,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Compton, Davie, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall—19.

The bill,

s. 304. For the protection of telephone lines, and business done over them, in this state,

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall—19.

The bill,

s. 443. To provide for the payment of costs of appeal in criminal cases,

Was taken up.

Mr. Haralson offered a substitute for the bill, and amendment, which was adopted, with caption, as follows:

s. 443. To provide for the payment of the costs of appeal in certain criminal cases.

The bill was read a third time and passed—yeas 15, nays 3.

Yeas—Mr. President, Bloch, Cowan, Compton, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall—15.

Messrs. Handley, Inzer and Lackey voted no.

The bill,

s. 351. To carry into effect the provisions of section 23 of article 14 of the constitution of Alabama, in reference to railroads and other transportation companies granting free passes to certain persons therein named,

Was taken up.

Mr. Hayes offered an amendment to the pending amendment, as follows:

Amend by adding, that the provisions of this bill shall not apply to any officer, attorney, or employè of any railroad in this state;

Lost.

Mr. Wiley moved to re commit the bill to the judiciary committee;

Lost.

Yeays 6, nays 21.

Yeas—Mr. Bloch, Godfrey, Milner, Skeggs, Steagall, Wiley—6.

Nays—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Parker, Parks, Reynolds, Smith of Autanga, Stansel, Williams—21.

RECESS.

Pending consideration of the foregoing bill, at 1:30 p. m. the senate took a recess until 4 o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at 4 o'clock p. m.;

A quorum present, and proceeded to consider the

UNFINISHED BUSINESS.

Which was the bill,

s. 351. To carry into effect the provisions of section 23 of article 14 of the constitution of Alabama in reference to railroads and other transportation companies granting free passes to certain persons therein named.

The pending amendment was adopted as follows:

Amend the first section of the bill by adding the following thereto, to-wit:

"Provided, however, that it shall not be unlawful for any railroad or transportation company to give to or obtain from any other company a pass for any person in its service or employ, neither shall it be unlawful for such person to accept such pass."

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Handley, Haralson, Hundley, Inzer, Minge, Nesmith, Parks, Reynolds, Stansel, Steagall, Wiley, Williams—17.

On motion of Mr. Stansel, the senate reconsidered the vote by which the foregoing bill was passed;

Also, the vote by which the bill was ordered to a third reading.

Mr. Stansel offered an amendment, which was adopted as follows:

"Provided, further, that the provisions of this act shall not apply to railroad commissioners while in the discharge of their official duty.

Mr. Hayes moved to indefinitely postpone the bill;

Lost.

The bill was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Wiley, Williams—24.

BILLS ON THIRD READING.

The bill,

s. 451. To amend an act to amend section 677 of the code of Alabama, approved February 28th, 1889,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Godfrey, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Wiley, Williams—23.

The bill,

s. 458. To authorize railroad companies, chartered under the laws of the state of Alabama, whose capital stock is owned by a railroad corporation chartered under the laws of another

state, to sell to such corporation owning its stock all of its property, road-bed, rights and franchises,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Minge, Parks, Reynolds, Smith of Autauga, Stansel, Wiley, Williams—20.

The bill,

s. 121. To amend section 3217 of the code,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Compton, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Minge, Nesmith, Reynolds, Smith of Autauga, Stansel, Steagall, Wiley, Williams—19.

On motion of Mr. Wiley, the vote by which the bill passed, also, the votes by which the bill was ordered to a third reading, were severally reconsidered, and the bill laid over informally.

The bill,

s. 320. To provide for the service of process upon non-resident defendants at law or in equity,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Compton, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Minge, Reynolds, Stansel, Steagall, Wiley, Williams—18.

The bill,

s. 474. To provide for the payment of expense incurred in the inauguration of the governor of Alabama,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Hayes, Hundley, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall, Wiley—19.

The bill,

s. 488. To confirm the incorporation and organization of the Florence Investment Company, and to declare and define the powers of said company,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Downey, Godfrey, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Smith of Autauga, Stansel, Steagall, Wiley, Williams—17.

The bill,

s. 338. To regulate the time of holding the circuits courts in the fifth judicial circuit of Alabama.

Was on motion of Mr. Hundley, laid on the table.

The bill,

s. 48. To repeal section 3210 and to amend sections 3211, 3212, 3214, 3215, 3216 and 3217, of the code, relating to the condemnation of lands for public uses,

Was taken up, and the pending substitute adopted.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Compton, Downey, Grant, Handley, Harris of Lee, Hayes, Hundley, Inzer, Minge, Parks, Reynolds, Skeggs, Stansel, Steagall, Wiley—17.

The bill,

s. 346. To pay the clerk of the supreme court a salary, and to require the supreme court clerk fees to be paid into the state treasury,

Was taken up, and the pending amendment adopted, as follows :

“Amend by adding to section one” and in addition thereto \$1,000.00 for clerk hire.

Mr. Grant offered an amendment as follows :

“Amend by striking out \$2,500 and inserting in lieu thereof \$3,500.

The consideration of said bill and amendment was interrupted by the following :

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed and ordered to the senate without engrossment the following bills :

ii. 613. To amend section 4591 of the code ;

ii. 923. To amend section one of an act approved January 16, 1879, and entitled “an act to amend an act entitled an act to amend section twelve of an act to establish a new charter for the town of Union Springs, Alabama, approved February 1st, 1876 ;

ii. 641. To validate the bonds issued by the corporate authorities of the city of Anniston, bearing date June 1, 1887 ;

ii. 309. To fix the compensation of the sheriff of Callhoun county, for ex-officio services ;

ii. 1093. To require the commissioners court of roads and

revenues for the county of Chambers to cause road overseers in said county, to have loose stones removed from the roads of said county, so far as the same may be practicable ;

ii. 814. To repeal an act entitled an act to amend section 5047 of the code of 1876 so far as it relates to Clay county ;

ii. 732. To establish three separate school districts in Cullman county, to be known as the Jones Chapel school district, the County Line school district and the Good Hope school district, in Cullman county, Alabama, and to provide for the election of a board of trustees for each of said school districts, with certain duties and powers ;

ii. 931. To regulate the disbursment of the school fund in Clay county, Alabama ;

ii. 322. To incorporate Cleburne Institute, Edwardsville Cleburne county, Alabama ;

ii. 837. To make the fees of bonded constables in the county of Choctaw, the same as sheriff's fees when they perform the same or similar service.

And has concurred in the conference report on

ii. 141. To increase the jurisdiction of justices of the peace in Tuscaloosa county ;

And has concurred in the senate joint resolution, relative to using the fees paid into the treasury for exchange of registered bonds, to provide new blank bonds ;

And has originated, and passed, and ordered to the senate, without engrossment,

ii. 1014. For the relief of F. M. Harrison, T. D. Hendricks, R. F. Grimes, W. J. Flemming, William King, J. B. Lolly, Sarah Balfaree, Luke Farmer, S. Spurlock, P. G. Simmons and J. W. Carroll, settlers on the public lands of this state, in Coffee county.

HOUSE MESSAGES.

The house bills and foregoing house messages were severally read once and referred to appropriate committees, as follows ;

ii. 613, to revision of laws ;

ii. 923, 322, to municipal and county organizations ;

ii. 641, to finance ;

ii. 309, 1093, 814, 837, to local legislation ;

ii. 732, 931, to education ;

ii. 1054, to judiciary.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled :

s. 103. For the relief of the Columbus Insurance and Banking Company of the state of Mississippi ;

s. J. R. To authorize the destruction by burning of the redeemed Alabama six per cent. bonds and to require a proper certificate of their destruction ;

s. 123. To establish an additional circuit court in the county of Blount, and to provide a place for holding the same.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills the titles of which are set out in the foregoing report of enrolled bills.

RECESS.

At 6 o'clock p. m., the senate took a recess, till 7:30 o'clock p. m.

EVENING SESSION.

The senate re-assembled at 7:30 p. m.

A quorum present.

And resumed the consideration of the bill,

s. 346. To pay the clerk of the supreme court a salary, and to require the supreme court clerk fees to be paid into the state treasury,

Was taken up, and, on motion of Mr. Godfrey, laid on the table—yeas 21, nays 8.

Yeas—Mr. President, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Milner, Parker, Parks, Smith of Autauga—11.

Nays—Mr. Bradley, Davie, Downey, Harris of Lee, Hundley, Inzer, Minge, Skeggs—8.

Mr. Parker moved to reconsider the vote by which said bill

was laid on the table, and to lay the motion to reconsider on the table.

The motion to table prevailed.

The bill,

s. 471. To require the money paid by all persons for state and county license in Walker county, to retail liquor in the year 1889, to be refunded to such persons or their legal representatives, when the use of such license was prevented by prohibitory acts of the legislature.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Parker, Parks, Skeggs, Wiley—18.

The bill,

s. 440. To refund license money to James E. Ray of Tallapoosa county,

Was read a third time and passed—yeas 20, nays 1.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Steagall, Wiley—20.

Mr. Hundley voted no.

The bill,

s. 454. To authorize the mayor and council of Dadeville to issue bonds of said city, for an amount not exceeding five thousand dollars, for the purpose of purchasing a lot in said city and erecting and improving school buildings thereon,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Wiley—21.

The bill,

s. 192. To require persons convicted of drunkenness, or of public drunkenness, to testify in certain cases, and to provide punishment on failure or refusal to do so.

Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 17, nays 4.

Yeas—Mr. President, Bradley, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Parks, Skeggs, Smith of Autauga, Steagall—17.

Messrs. Hayes, Minge, Parker and Wiley voted no.

The bill,

s. 206. To regulate the sale of a poison commonly known and called "Rongli on Rats,"

Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 19, nays 2.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Skeggs, Smith of Autauga, Steagall, Wiley—19.

Messrs. Parks and Parker voted no.

The bill,

s. 484. To prevent combinations or pools of insurance companies or their agents, tending to defeat or lessen competition in the business of insurance in the state of Alabama.

Was, on motion of Mr. Milner, postponed and made a special order for to-morrow at 12 o'clock, and 50 copies ordered printed for the use of the senate.

The bill,

s. 472. To authorize the city of New Decatur to levy and collect license taxes upon professions, occupations, vocations and businesses practiced or engaged in within said city,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Parker, Skeggs, Smith of Autauga, Wiley—18.

The bill,

s. 353. To provide for the holding of two additional terms of the circuit court for the county of Tuscaloosa,

Was taken up.

Mr. Hargrove (Mr. Davie presiding) offered an amendment, which was adopted, as follows:

Provided, that no term of said court shall be held for the winter of 1891.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Parker, Parks, Skeggs, Smith of Autauga, Steagall, Wiley—20.

The bill,

s. 425. To incorporate the town of Vienna, in the county of Pickens and the state of Alabama,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Dow-

ney, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Wiley—22.

The bill,

s. 328. To amend the charter of the Gurleys and Paint Rock Valley Railroad Company,

Was taken up, and, on motion of Mr. Haralson, the bill was laid on the table, and instead thereof the senate proceeded to consider the bill,

n. 754. To confirm, ratify and amend the charter of the Gurleys and Paint Rock Valley Railroad Company,

Which was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Steagall, Wiley—20.

The bill,

s. 434. To amend section 2905 of the code,

Was taken up.

Mr. Hargrove (Mr. Davie presiding) offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 19, nays 2.

Yeas—Mr. Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Steagall, Wiley—19. Messrs. President and Harris of Lee voted no.

The bill,

s. 485. To authorize the probate courts to make unknown heirs and devisees parties in certain suits,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Smith of Autauga, Wiley—17.

The bill,

s. 279. To exempt the wages of employees from garnishment.

Was, on motion of Mr. Hargrove, laid on the table.

The bill,

s. 182. To amend an act to require locomotive engineers in this state to be examined and licensed by a board to be appointed by the governor for that purpose, approved February 20th, 1887,

Was taken up.

Mr. Inzer offered an amendment to the pending amendment, and, on motion of Mr. Handley, the bill and amendments were indefinitely postponed.

The bill,

s. 456. To increase the fees of justices of the peace and notaries public who have jurisdiction of justices of the peace in the county of Autauga,

Was taken up.

The substitute was adopted with caption as follows:

s. 456. To increase the fees of justices of the peace and notaries public having like powers in the county of Autauga.

The bill was read a third time and passed—yeas 17, nays 1.

Yeas—Mr. President, Bradley, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Wiley—17.

Mr. Hundley voted no.

The bill,

s. 487. To incorporate the Alabama Loin and Steel Company,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Wiley—21.

The bill,

s. 490. To establish an industrial school in the state of Alabama, for the destitute children, descendants of confederate soldiers and sailors,

Was taken up, and the pending amendment was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Wiley—18.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in senate amendments to the following bills:

H. 519. To incorporate the town of Fort Deposit, in the county of Lowndes;

H. 869. For the relief of needy confederate soldiers and

sailors, residents of Alabama, who, from wounds or other cause, are now unable to earn a livelihood; and for the widows of such as were killed or died in said war, and have not since married.

B. F. ELMORE,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed the following bills and ordered them to the senate without engrossment :

H. 943. To authorize the city of Birmingham, and the county of Jefferson, to provide an armory for the military companies of said city ;

H. 1084. To authorize the commissioners of the Huntsville State Colored Normal and Industrial School to sell the real property of the school located on Clinton street, in the city of Huntsville, Alabama, and re-invest the proceeds of such sale, in real estate in or near the city of Huntsville, Alabama ;

H. 737. For the relief of E. R. Freeman, clerk of the circuit court of Franklin county, Alabama ;

H. 1041. To empower the auditor to extend the time for the collection and absolute release from payment of certain taxes, charged against Wm. Rollins, tax collector of Franklin county, Alabama ;

H. 1053. To regulate the trial of misdemeanors in St. Clair county ;

H. 716. To authorize the deeds, contracts, conveyances or other instruments to be recorded again in Franklin county ;

H. 483. To repeal an act entitled an act to authorize and require the commissioners court of Crenshaw county to dispose of moneys arising from fines, forfeitures and convict labor, approved February 4th, 1889 ;

H. 645. To divide township 6, range 14, in Covington county, into two school districts ;

H. 557. To repeal an act to amend section 1632 of the code of Alabama, approved February 12th, 1885, so far as the same relates to Dale county ;

H. 1064. To amend section 4 of an act entitled an act to authorize the commissioners court, board of county revenues

of the counties of Marengo, Sumpter, Montgomery, Hale, Dallas, Autauga, Wilcox, Lowndes, Russell, Monroe, Lawrence and Perry, to establish or abolish districts in which stock may be prevented from running at large, approved February 28th, 1881;

ii. 656. To prohibit the driving of live animals into, or the placing of the dead bodies of animals in any ditch or canal operated for the purpose of floating logs or timber within the limits of the county of Escambia.

HOUSE MESSAGES.

The house bills, the titles of which are set out in the foregoing message, were severally read a first time and referred to appropriate committees as follows:

- ii. 737, 1053, 716, 483, 656, to local legislation;
- ii. 557, to revision of laws;
- ii. 1084, 645, to education;
- ii. 1064, to agriculture;
- ii. 1041, to finance;
- ii. 943, to military.

RESOLUTION.

By leave, Mr. Maralson offered a resolution amending the rules, which, on his motion, was referred to the committee on rules.

ADJOURNMENT.

At 10 o'clock p. m., on motion of Mr. Milner, the senate adjourned.

FORTY-SEVENTH DAY.

FRIDAY, Feb. 13th, 1891.

The senate met pursuant to adjournment.

Present—Mr. President, Bradley, Bloch, Cowan, Compton,

Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—32.

The journal of yesterday was approved without being read.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time as follows :

By Mr. Compton, from judiciary, favorably,

ii. 235. To create a lien on live stock for cost of pasturing the same ;

ii. 1036. To provide for the disposition of the cases now in the inferior court of Cullman county ;

ii. 762. To amend section seven of an act entitled an act to regulate the mode of selecting, drawing and empaneling grand and petit jurors for the county of Mobile, approved February 20, 1883, and likewise to amend sections two and five of an act entitled an act to amend sections four, five, thirteen and seventeen of an act entitled an act to regulate the mode of selecting, drawing and empaneling grand and petit jurors for Mobile county, approved February 20, 1883, and to amend as well sections one, two and five of an act approved February 16, 1885, entitled an act to amend sections six, eight, ten, eleven and thirteen of an act entitled an act to regulate the mode of selecting, drawing and empaneling grand and petit jurors for Mobile county, approved February 20, 1883, approved February 24, 1887 ;

ii. 979. To amend the preamble and section one of an act to prescribe the civil jurisdiction and regulate the practice in civil cases in the city court of Mobile, approved December 12, 1888 ;

s. 495. To amend section 2813 of the code ;

By Mr. Handley, from finance, favorably,

ii. 1028. To pay for articles purchased for the use of the senate and house of representatives and for repairing the senate chamber and the hall of the house of representatives, and for repairing and furnishing the rooms of the engrossing and enrolling clerks of the house of representatives ;

By Mr. Parks, from revision of laws, favorably,

ii. 17. To amend section 3812 of the code of Alabama ;

n. 792. To regulate the trial of misdemeanors in the county of Macon.

By Mr. Haralson, from local legislation, favorably,

s. 498. To incorporate the Alabama Christian Missionary Convention;

n. 670. To remove the disabilities of non-age of John S. Pollard, a minor;

n. 761. To exempt the secretary of the chamber of commerce of the city of Mobile from jury duty;

n. 689. To fix the compensation of county commissioners of Calhoun county, Alabama;

n. 811. To extend the jurisdiction of the notary public and ex-officio justice of the peace, in ward No. 4, in the city of Anniston, so as to cover the corporate limits of the city of Anniston;

n. 401. To provide for the more efficient working, keeping up, repairing and improving the public roads and bridges and opening and making new public roads and bridges, in the county of Morgan: to locate, construct and build within the limits of the county, a system of public roads of a superior grade, to be known and designated as "county roads;"

n. 180½. To amend an act entitled an act to require the county commissioners of Conecuh county to procure printed blank record books in conformity therewith, for the use of, and distribution by the probate judge of said county, and to regulate the fees for recording the same;

n. 520. To amend an act entitled an act for the preservation of game, animals, birds and fish in Macon county, approved February 11, 1889;

n. 293. To change the time of taking up the criminal docket in the circuit court of Marion county;

n. 625. To relieve Thomas W. Oliver, junior, of Montgomery county, Alabama, of the disabilities of non-age;

n. 526. To declare William H. Betts, Luke Coley, A. D. McNeil, William Lane, Jordan M. Crawford and B. T. Johnson of the county of Conecuh, citizens of Monroe county;

n. 552. To provide a new charter for the town of Russellville;

By Mr. Harris of Lee, from agriculture, favorably,

n. 632. To amend an act entitled an act for the protection of dogs, approved February 12th, 1887;

n. 763. To amend sections one and two of an act entitled an act to preserve order at the Asberry camp-ground in the

county of Monroe, and at Spring Hill camp-ground in Butler county, and at Pottersville camp ground and Ramage Spring camp-ground in Pike county, and at Tabernacle and Andrews Chapel camp-ground in the county of Pickens;

ii. 1004. To amend sections one and two of an act entitled an act for the preservation of game animals and birds, in the counties of Sumter and Chilton, approved February 23, 1889, so far as the same relates to Sumter county;

ii. 674. To amend section eleven (11) of an act entitled an act to prevent horses, mules, asses, cows, hogs, sheep and goats from running uncontrolled on crops in the county of Montgomery, and to prescribe a rule of damages and the rules of practice in the trials of cases under this act, approved February 24th, 1887;

By Mr. Godfrey, from penitentiary, favorably.

ii. 1055. To authorize the governor to cause to be instituted in the name of the state, proceedings for the acquirement by condemnation of any lands, right of way or material needed for the use of the penitentiary or the maintenance or operation of the hard labor system of the state.

By Mr. Skeggs, from education, favorably,

ii. 866. To constitute a separate school district, to be known as the Flint School District, in the county of Morgan, and state of Alabama, and for the appointment of a board of trustees thereof, and a levy of special tax;

ii. 510. To establish a uniform series of standard school books to be used in the free public schools in Marshall county;

ii. 717. *To repeal an act entitled an act to regulate the sheriff's and coroners sales in the county of Shelby.

By Mr. Inzer, from municipal and county organizations, favorably,

ii. 1072. To amend section two of an act entitled an act to amend the charter of the First Presbyterian church of Talladega, Alabama;

ii. 899. To authorize the county of Clarke to borrow money and issue bonds for the purpose of building a court house for the use of said county, at Grove Hill, or other place, at which it may be determined to build said court house;

ii. 1092. To authorize the town of Dothan to levy and collect license taxes upon professions, occupations, vocations and businesses, practiced or engaged in within said town;

ii. 760. To establish a charter for the town of Albertville, in Marshall county, Alabama;

n. 740. To authorize the town of Columbia, in Henry county, Alabama, to assess and collect a license tax from persons, companies or corporations doing business in said town;

n. 713. To incorporate the town of Mellville, in the county of Winston, state of Alabama;

n. 1069. To authorize the board of mayor and aldermen of the town of Dothan to negotiate a loan for the purpose of improving, grading and draining the streets, avenues and alleys of said town, establishing waterworks, fire department, electric light plant and the payment of the town's indebtedness, and for other various improvements of said town;

By Mr. Skeggs, from education, favorably,

n. 645. To divide township 6, range 14, in Covington county, into two school districts;

n. 1084. To authorize the commissioners of the Huntsville State Colored Normal and Industrial School to sell the real property of the school located on Clinton street, in the city of Huntsville, Alabama, and re-invest the proceeds of such sale in real estate in or near the city of Huntsville, Alabama,

n. 732. To establish three separate school districts in Cullman county, to be known as the James Chapel School District, the county line school district, the Good Hope School District in Cullman county, Alabama, and to provide for an election of a board of trustees for each of said school districts, with certain duties and powers.

By Mr. Haralson, from local legislation, favorably,

s. 498. To incorporate the Alabama Christian Missionary Convention;

n. 852. * To authorize Mary F. Churchwell, widow of David Churchwell, deceased, to sell land at private sale, belonging to the estate of said David Churchwell, deceased;

n. 987. To amend section 3887 of the code, so far as the same relates to Cherokee and Etowah counties;

n. 1068. To regulate the fine and forfeiture fund in Tallapoosa county, Alabama;

n. 1029. To incorporate the Salem Camp Ground Association of Bullock county;

n. 684. To amend section 4887 (4927) (4449) of the code, so far as the same relates to Sumter county;

Also, with amendment,

n. 325. To regulate the trials of misdemeanors in Geneva county.

By Mr. Stallworth, from privileges and elections, favorably,

II. 699. To provide for the election of a county treasurer of Macon county by the qualified voters thereof at the election for state and county officers in August, 1892.

By Mr. Compton, from judiciary, favorably, with amendment,

II. 61. To regulate the election of municipal officers in the city of Montgomery.

By Mr. Wiley, from military, favorably,

II. 943. To authorize the city of Birmingham and the county of Jefferson, to provide an armory for the military companies of said city.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills your signature thereto is requested:

II. 644. To incorporate the town of Leighton, in the counties of Colbert and Lawrence, Alabama;

II. 519. To incorporate the town of Fort Deposit, in the county of Lowndes;

II. 917. To establish the district court of Colbert and Lauderdale counties;

II. 141. To increase the jurisdiction of justices of the peace in Blount, Fayette, Cherokee, Lamar, Franklin, Marion, Morgan and Chilton counties;

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

REQUEST TO RETURN BILL.

On motion of Mr. Milner, the house was requested to return house bill 631.

PRIVILEGED QUESTIONS.

Mr. Compton arose to a question of privilege and, on his

motion, the senate reconsidered the vote on the passage of the bill,

s. 351. To carry into effect the provisions of section 23 of article 14 of the constitution of Alabama, in reference to railroads and other transportation companies granting free passes to certain persons therein named.

On motion of Mr. Compton, the senate also reconsidered the vote ordering the bill to a third reading.

Mr. Compton offered an amendment, which was adopted, as follows: Amend 1st section of bill by adding to end of last line of section the words, "other than the railroad commissioners and their secretary;" amend by striking out the second amendment to the bill.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Cowan, Davie, Grant, Godfrey, Handley, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Stallworth, Stansel, Steagall, Williams.

Messrs. Hayes and Milner voted no.

REPORT OF COMMITTEE ON RULES.

Mr. Stansel, from the committee on rules, submitted the following report, viz:

Mr. President:

The committee on rules beg leave to report: That on to-day, February 13th, the senate shall first consider only senate bills until they are all disposed of, and that when the senate adjourns at six p. m., it meet again at 7:30 p. m.

The report of the committee on rules was concurred in.

QUESTION OF PRIVILEGE.

Mr. Smith of Mobile, arose to a question of personal privilege, and by his request the following explanation was spread on the journal.

Mr. President:

My attention has been called in the last few days to a report made to the papers in Mobile, of what I said when house bill 481, for the benefit of the confederate soldiers was under consideration. I am reported as saying "It was a good enough

place for the class of people sought to be provided for to go." *Such a thought never entered my mind. It is maliciously and wilfully false in every particular. It has not one syllable of truth in it.* It is a production of head and heart that is so depraved as to love falsehood more than truth. What I did say as near as I can recollect, the language is as follows: and every senator present on that occasion will, I presume, bear me out as to the truth of the statement I am about to make. I said: "the poor of Mobile county are not let out by contract. The poor house is comfortable, and all its furniture; the county commissioners buy all their food and clothing, and furnish all the medical attention they need; and they have a superintendent on a salary, to see that they are properly attended to, the grand jury visits the poor house as any other county property, and reports its condition to the court. When parties are presented to the poor house for admission they are not asked whether they are confederate or federal soldiers, but are admitted and cared for as their necessities require. We have both confederate and federal soldiers, as well as white and black citizens. *All are properly cared for.*

I believe that the confederate soldier will be more comfortably taken care of in the poor house of Mobile county, than he could be under the provisions of this bill. *In his interest and for his benefit,* I ask that Mobile county be exempted from the provisions of the bill; no class of men can be bound closer together by the ties of friendship than are soldiers who have suffered the hardships of war together. Men who have marched barefooted on frozen ground half clad and nearly frozen to death, and lived on dry corn on the ear, like mules, they having so many ears of corn each, for a day's rations, cannot have any other but the strongest feelings of friendship and sympathy for each other; *I know what they suffered for I shared their hardships with them,* and I say now as I have said before on the senate floor, that they have the strongest claim on the state, county, or citizen, for assistance in their time of need, that can be claimed by any other citizen. No appropriation from any public treasury should have precedence over their claims so long as there is a needy confederate soldier living. Now, Mr. President, I ask that this paper be printed in the journal as a part of to-day's proceedings.

This is not an unusual request, and I hope it will be granted.

MESSAGE FROM THE HOUSE.

Mr. President ·

The house has passed the following bills;

s. 91. To perpetuate the United States government survey of lands, in Dallas county;

s. 236. To amend an act incorporating "the trustees of the Judson Female Institute," approved January 9, 1841;

s. 344. To incorporate the Mobile Transportation Company and to define the powers of said company;

s. 421. To change the corporate name of the Alabama Loan and Banking Company, of Florence, Alabama;

s. 179. To provide for the distribution of the money received by the state of Alabama each year, in pursuance of the act of Congress, approved March 2nd, 1887, and known as the Hatch act, which is entitled an act to establish agricultural experiment stations in connection with the colleges established in the several states under the act, approved July 2nd, 1862, and of the acts supplementary thereto;

s. 365. To amend sections three and six and repeal sections four and five of an act entitled an act to regulate the state witnesses fees in Hale county, Alabama, and to provide for the payment of the same;

And has amended by way of substitute, and passed—

s. 393. To prevent stock from running at large in beat 5, in Coosa county,

With the following title,

s. 393. To prevent stock from running at large in beat 5, and in section 31, township 23, range 20, in Coosa county.

And has amended and passed the bills,

s. 388. To establish a charter for Alabama City, in Etowah county, Alabama;

s. 14. To amend and confirm the charter of the Foster Hardware Manufacturing Company, a corporation organized under the general incorporation laws of the state, to change the name of said company, and to reduce the amount of its capital stock;

And insists on its amendments to

s. 354. To better provide for the establishment and working the public roads in this state;

And requests a committee of conference thereon.

Committee on the part of the house, Messrs. Meador, Wood and Northington.

And has originated and passed the following bill :

ii. 1020. To establish and provide for the maintenance of a quarantine by improved methods, against the introduction of yellow fever and other infectious or contagious diseases in the state of Alabama :

And has ordered the same to the senate without engrossment.

And accedes to the request of the senate for the return of ii. 631. To provide for a charter for the town of Carbon Hill, in Walker county, Alabama.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The senate concurred in the house amendment by way of substitute to the senate bill 393, set out in the foregoing house message.

Yeas 27, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—27.

The senate concurred in the house amendment to the bill 388, set out in the foregoing house message.

Yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Minge, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—21.

The senate concurred in the house amendment to the s. 14, set out in the foregoing house message.

Yeas 26, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—26.

The senate acceded to the request of the house for a committee of conference on the senate bill 354, set out in the foregoing house message :

And the president appointed Messrs. Stansel, Smith of

Autauga, and Godfrey, as the committee on the part of the senate.

The house bill 1020, the title of which is set out in the foregoing message, was read a first time.

Mr. Wiley moved that said bill be referred to the judiciary committee.

Mr. Handley moved, as a substitute for said motion, that said bill be referred to the committee on finance, and the bill was referred to said committee.

PRIVILEGED QUESTION.

Mr. Milner arose to a question of privilege, and moved to reconsider the vote by which the senate passed the bill, n. 631. To provide for a charter for the town of Carbon Hill, in Walker county, Alabama.

By unanimous consent the motion to reconsider prevailed.

Mr. Milner, also, moved that the senate reconsider the vote by which the bill was ordered to a third reading;

Carried.

Mr. Milner offered an amendment, which was adopted.

The bill was then read a third time and passed—yeas 17, nays 0.

Yeas—Mr. Bradley, Downey, Grant, Godfrey, Handley, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Stallworth, Stansel, Steagall, Waddell, Williams—18.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, February 13, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,
Private Secretary.

The message was read as follows:

STATE OF ALABAMA, EXECUTIVE DEPARTMENT.

OFFICE OF THE GOVERNOR,

MONTGOMERY, February 13th, 1891.

To the General Assembly:

I have this day approved the act "To establish the district court of Colbert and Lauderdale counties."

As the third section of the act provides that immediately after its passage and approval, there shall be elected a solicitor of said court by joint ballot of the general assembly, I deem it proper, in this special message, to notify the general assembly of the approval of the act that it may take such steps as it sees proper for the election of said solicitor.

THOS. G. JONES,

Governor.

The senate proceeded to consider

THE SPECIAL ORDER.

Which was the bill,

n. 757. To create a new county of portions of Clarke, Marengo and Wilcox counties, said new county to be called the county of Herndon.

Mr. Bloch moved to lay the bill and pending amendment upon the table;

Lost.

The pending amendment was adopted as follows:

Amend by adding the following: Section 11. Be it further enacted, that said county of Herndon shall be in the first judicial circuit of Alabama, and in the south-western chancery division of the state, and that the circuit court shall be held at the court house of said county of Herndon on the 16th Monday after the 4th Monday in March, and on the 19th Monday after the fourth Monday in September and May, at each term continue one week, and the chancery court of said county shall be held at the court house thereof on Thursday before the last Monday in February and August and May, continue three days.

Section 12. Be it further enacted, that said Herndon county shall be in the first congressional district of Alabama.

Mr. Cowan offered an amendment, which was adopted as follows:

Strike out, wherever it occurs, the name of J. Q. Adams and insert the name of Jerry T. Dumas.

The bill was then taken up, read a third time and lost, two-thirds of those voting being required under the constitution to pass said bill. Said vote is as follows :

Yeas 15, nays 14.

Yeas—Mr. Bradley, Cowan, Downey, Godfrey, Handley, Harris of Lee, Inzer, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Waddell, Williams—15.

Nays—Mr. President, Bloch, Compton, Grant, Haralson, Harris of Hale, Hundley, Milner, Minge, Parker, Smith of Mobile, Stallworth, Stansel, Wiley—14.

BILLS ON THIRD READING.

The bill,

s. 497. To fix the time of holding the chancery court in the county of Etowah, state of Alabama,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Wiley.—23.

The bill,

s. 478. To incorporate the Limestone County Oil and Gas Company,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Minge, Skeggs, Smith of Autauga, Wiley—17.

The bill,

s. 486. To restore to the A. and M. College copies of certain acts of the general assembly, which were lost by the burning of the college building,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Parker, Parks, Skeggs, Wiley—18.

The bill,

H. 531. To ratify and confirm the organization of the Birmingham and Atlantic Railroad Company and to confirm and amend the charter thereof.

Was taken up, and the pending amendment was adopted.
The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—20.

The bill,

s. 28. To assess the value of stock killed or injured by the trains or locomotives of railroads in Mobile county and to provide for the collection thereof.

Was taken up.

Mr. Smith of Mobile, offered certain amendments which were severally adopted:

On motion of Mr. Wiley, the bill was indefinitely postponed.

At the hour of 12 m. the senate proceeded to consider,

THE SPECIAL ORDERS.

The bill,

s. 484. To prevent combinations or pools of Insurance companies or their agents, tending to defeat or lessen competition in the business of Insurance in the state of Alabama,

Was taken up.

Mr. Milner offered a substitute for the bill.

Mr. Wiley moved to indefinitely postpone said bill.

Lost.

RECESS.

Pending the consideration of said bill, the senate at 1:30 p. m., took a recess, till 4 p. m.

AFTERNOON SESSION.

The senate re-assembled at four o'clock p. m.;

A quorum was present;

And resumed the consideration of the bill,

s. 484. To prevent combinations or pools of Insurance companies or their agents, tending to defeat, or lessen competition in the business of insurance in the state of Alabama.

And the motion to indefinitely postpone was lost—yeas 7, nays 14.

Mr. President, Compton, Grant, Godfrey, Smith of Autauga, Smith of Mobile, Wiley—7.

Nays—Mr. Bradley, Cowan, Downey, Handley, Haralson, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Steagall, Williams—14.

The substitute was adopted.

The bill was read a third time and passed—yeas 15, nays 0.

Yeas—Mr. Bradley, Cowan, Downey, Handley, Haralson, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Stallworth, Stansel, Staagall—15.

Nays—Mr. President, Compton, Grant, Godfrey, Parker, Smith of Autauga, Smith of Mobile, Wiley—8.

The bill,

s. 439. To amend section 1 of an act to establish a Normal School for the education of white male and female teachers at Troy, in Pike county, Alabama,

Was taken up, and the pending amendment adopted, as follows:

Amend by striking out the words “seven thousand five hundred dollars,” where they occur in the bill, and insert in lieu thereof the words, “five thousand dollars.

The bill was read a third time and passed—yeas 13, nays 10.

Yeas—Mr. Bloch, Cowan, Compton, Downey, Grant, Milner, Parks, Reynolds, Smith of Mobile, Steagall, Waddell, Wiley, Williams—13.

Nays—Mr. Bradley, Davie, Handley, Harris of Lee, Inzer, Minge, Skeggs, Smith of Autauga, Stallworth, Stansel—10.

The bill,

s. 489. To authorize the governor to issue to John B. Manning a new state coupon bond for five hundred dollars in the lieu and stead of class “A” bond, number 7255,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Cowan, Compton, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Stallworth, Stansel, Wiley, Williams—19.

The bill,

s. 467. To amend an act to amend section 677 of the code of Alabama,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—22.

s. 492. To amend sections 18 and 19 of an act entitled an act to amend an act entitled an act to vacate and annul the charter and dissolve the corporation of the city of Opelika, and to provide for the application of the assets thereof in the discharge of the debts of said corporation, approved February 19, 1883, and to provide for the compromise of its railroad bonded indebtedness, approved February 14, 1885.

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—26.

The bill,

s. 307. To regulate the exemption of property from taxation,

Was read a third time and passed—yeas 20, nays 3.

Yeas—Mr. Bradley, Cowan, Compton, Davie, Downey, Grant, Haralson, Harris of Lee, Inzer, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stansel, Steagall, Waddell, Wiley, Williams—29.

Messrs. Milner, Minge and Stallworth voted no.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled:

s. 14. To amend and confirm the charter of the Foster Hardware Manufacturing Company, a corporation organized under the general incorporation laws of the state, to change the name of said company and to reduce the amount of its capital stock;

s. 421. To change the corporate name of the Alabama Loan and Banking Company, of Florence, Alabama;

s. 286. To incorporate "The Jasper Water Works Company."

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested:

H. 869. For the relief of needy confederate soldiers and sailors, residents of Alabama, who, from wounds or other cause, are now unable to earn a livelihood; and for the widows of such as were killed or died in said war, and have not since remarried;

H. 1073. To divide the state of Alabama into nine congressional districts;

H. 152. To incorporate the "Alabama Northern Railway Company," and to further the construction of the same;

H. 754. To confirm, ratify and amend the charter of the Gurley and Paint Rock Valley Railroad Company;

Also, the following joint resolutions:

To authorize the destruction, by burning, of the redeemed Alabama six per cent. bonds and to require a proper certificate of their destruction;

Relating to H. R. bill No. 12,877, 2d session 51st congress, entitled a bill to confirm to the Gulf and Chicago Railway Company certain rights, &c.

BENJ. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills and joint resolutions, the titles of which are set out in the foregoing house message and report of enrolled bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has amended and passed the following bills:

S. 181. To amend section 4078 of the code;

S. 406. For the relief of James E. Kennedy, sheriff of Dallas county;

And has adopted the joint resolution, herewith sent, relative to the election of a solicitor for the district court of Colbert and Lauderdale counties;

And has passed

S. 447. To incorporate the Louise Short Baptist Widows and Orphans Home;

And has originated and passed the following bills:

H. 1049. To amend an act to amend sections three and four

of an act to incorporate the town of Ennola in Geneva county, approved 21st February, 1887;

H. 879. To further enlarge the powers, rights, franchises and privileges of the East Birmingham Land and Railroad Company, a corporation having its principal place of business in the city of Birmingham, in this state;

H. 1005. To authorize the court of county commissioners of Jefferson county to purchase claims against the fine and forfeiture fund of said county;

H. 665. To incorporate the Birmingham Investment and Security Company;

H. 307. To ratify and amend the incorporation of the "Birmingham Bar Association" of Birmingham, Alabama, and to enlarge the powers thereof;

H. 421. To create a board of education for the town of Avondale, and to prescribe the powers and duties of same;

H. 936. To provide for the collection of a license on transient persons doing business as merchants in the county of Greene, and defining who are transient merchants within the meaning of this act.

B. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The house bills, the titles of which are set out in the foregoing message, were severally read a first time, and referred to appropriate committees, as follows:

H. 1049, 879, 665, to municipal and county organizations;

H. 936, to finance;

H. 1005, to local legislation;

H. 307, to judiciary;

H. 421, to education.

The senate concurred in the house amendment to the senate bill 181, set out in the foregoing house message.

Yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Haralson, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—20.

The senate concurred in the house amendment to the senate bill 406, set out in the foregoing house message.

Yeas 20, nays 0.

Yeas—Mr. President, Compton, Davie, Downey, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Wiley, Williams—20,

RECESS.

At 6 o'clock p. m., the senate took a recess, till 7:30 o'clock p. m.

EVENING SESSION.

The senate re-assembled at 7:30 p. m., a quorum present.

BILLS ON THIRD READING.

The bill,

s. 452. To amend section 1 of an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors in all places in Jefferson, Walker, Talladega, Autauga and Fayette counties, except in incorporated towns and cities having police regulation, approved February 16, 1889,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga—18.

s. 215. To aid state and county agricultural fairs,

Was taken up and the pending substitute adopted.

The bill was read a third time and passed—yeas 18, nays 4.

Yeas—Mr. President, Bradley, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Lackey, Milner, Nesmith, Parker, Reynolds, Smith of Autauga, Steagall—18.

Nays—Messrs. Compton, Inzer, Minge and Skeggs—4.

The bill,

s. 292. To amend section 3685 of the code of Alabama of 1886,

Was taken taken up and the adverse report non-concurred in.

Mr. Grant moved to indefinitely postpone the bill.

Carried—yeas 12, nays 11.

Yeas—Mr. President, Cowan, Compton, Grant, Godfrey, Handley, Hayes, Lackey, Milner, Nesmith, Parker, Parks—12.

Nays—Mr. Bradley, Davie, Downey, Harris Lee, Inzer, Minge, Reynolds, Skeggs, Smith of Autauga, Stallworth, Steagall—11.

The bill,

s. 430. To establish the Mount Pleasant school district in Lamar county.

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Cowan, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth—22.

The bill,

s. 151. To amend an act entitled an act to amend sections 762 and 763 of the code of 1886, relating to the summoning of constables by the sheriffs to attend and wait upon the sittings of the circuit court of this state, approved February 28, 1889,

Was taken up.

Mr. Cowan offered an amendment, which was adopted, as follows: Amend by striking out the words "Clarke and Marengo counties" in the last proviso of the bill.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Cowan, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Stallworth, Steagall.—20.

The bill,

s. 500. To incorporate the North Alabama Oil and Gas Pipe Line Company,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Steagall, Wiley.—22.

The bill,

s. 476. To amend an act approved February 28, 1889, entitled an act to amend section one of an act, approved February 6th, 1885, entitled an act to amend section 4414 of the code,

Was taken up.

Mr. Inzer offered a substitute, which was adopted, with caption, as follows :

s. 476. To amend section 3878 (4414) of the the code of Alabama of 1886, so far as the same applies to the county of Cherokee.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga—18.

The bill,

s. 499. To authorize the court of county commissioners for Perry county to establish one or more ferries across the Cahaba river in Perry county.

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Steagall—24.

The bill,

s. 300. To incorporate the town of River Falls, in Covington county, Alabama, and to authorize it to cut a canal and issue bonds for certain purposes,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Steagall, Wiley—25.

The bill,

s. 329. To provide for making unknown heirs, devisees, joint owners or tenants in common, parties to proceedings in the probate or chancery court for the division or sale of lands by executors or administrators, or for the partition or sale for partition of lands among joint owners or tenants in common,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Steagall, Wiley—23.

The bill,

s. 226. To amend section one of an act entitled an act to confirm the incorporation of the town of New Decatur, in the

county of Morgan, and to enlarge and define the corporate powers of said town, approved February 13th, 1889,

Was, on motion of Mr. Skeggs, indefinitely postponed.

The bill,

s. 450. To incorporate the "Savings Loan and Trust Company" of New Decatur, Alabama,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Cowan, Compton, Downey, Grant, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga, Stallworth, Steagall, Wiley—22.

The bill,

s. 428. Concerning the organization and perpetuity of a voluntary association to be known as the Order of Columbia, a secret society, having a secret ritual, and laws providing for governing the same,

Was, on motion of Mr. Hayes, laid on the table.

The bill,

s. 401. For the relief of the estate of James Hunter, deceased,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Cowan, Compton, Downey, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Wiley—19.

Mr. President voted no.

The bill,

s. 121. To amend section 3217 of the code.

Was, on motion of Mr. Skeggs, laid on the table.

The bill,

ii. 649. To refund to William Mastin of Elmore county, thirty-one 75-100 dollars wrongfully paid by him as taxes to the state,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Parker, Reynolds, Skeggs, Smith of Autauga, Stallworth, Steagall, Wiley—19.

The bill,

ii. 254. To amend section 4429 of the code of Alabama,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Inzer, Lackey,

Milner, Parker, Skeggs, Smith of Autauga, Stallworth, Wiley—18.

The bill.

H. 481. To provide for the support of the indigent soldiers and sailors of the late Confederate States army and navy who are now bona fide citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama.

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Steagall, Wiley—25.

The bill.

H. 538. To appropriate the sum of fifteen thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof.

Was taken up, and the pending amendment adopted.

Mr. Grant offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 15, nays 4.

Yeas—Mr. President, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Minge, Parker, Parks, Reynolds—15.

Messrs. Bradley, Harris of Lee, Inzer and Lackey, voted no.

The bill,

H. 276. To confirm the charter of the Birmingham Building and Loan Association, to define and declare the powers to provide for the increase of the capital stock and to extend the time within which said association shall continue to exist as a corporation,

Was taken up, and on motion of Mr. Haralson, the pending amendment was laid on the table.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Reynolds, Smith of Autauga—17.

The bill.

H. 312. To amend an act entitled an act to incorporate the town of Gordon, in Henry county, Alabama, approved February 1st, 1872.

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga—20.

The bill,

H. 890. To ratify and confirm the subscription to and organization and incorporation of the Gulf Coke and Coal Company, and to enlarge the powers of said company.

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Wiley—19.

The bill,

H. 559. To ratify and confirm the agreement of consolidation made by and between the Jefferson Iron Company, and the Irondale Company of Jefferson county,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Wiley—21.

The bill,

H. 551. To confer additional powers upon the Jasper Land Company, a corporation whose charter was ratified and confirmed by an act of the general assembly of Alabama, approved February 27th, 1889, for the purpose of enabling the said Jasper Land Company to enhance the value of its property,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Wiley—20.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated and passed, and ordered forthwith to the senate without engrossment the following bills:

H. 672. To incorporate the Alabama Military Institute, at Tuskegee, Macon county, Alabama:

II. 959. To provide for the incorporation of the town of Eastlake, in the county of Jefferson, and to define the powers of such corporation ;

II. 1095. To amend section 8 of an act entitled an act to incorporate the town of Auburn, Lee county, Alabama, approved February 23, 1875 ;

II. 711. To establish the Sylvan Agricultural District, to authorize the erection of an outside fence and to dispense with inside fences, and to levy taxes to erect said fence and to defray all the current expenses of said district ;

II. 741. To authorize the town of Columbia, in Henry county, to borrow money and issue bonds for the purpose of constructing water works and electric lights and to regulate the price of water and lights with the citizens of the town who use the same ;

II. 742. To authorize the justices of the supreme court to use a portion of the library fund in the purchase of law books for the office of the Attorney-General ;

II. 945. To amend sections 7, 10 and 20, of an act entitled an act to create a new charter for the city of Florence, Alabama, approved February 26th, 1889.

II. 1013. To provide for the better support and maintenance of the public schools of Cullman and Escambia counties, Alabama ;

II. 1085. To amend an act to more effectually secure competent and well qualified jurors in the several counties of the state, with the exception that the provisions of this act shall not apply to the counties of Henry, Mobile, Dallas, Talladega, Clay, Marengo, Cherokee, Etowah, St. Clair, Coffee, Dale, Geneva, Marshall and Montgomery, approved February 28th, 1887, so far as the same relates to the county of Lamar ;

II. 765. To declare the Montgomery Shooting Club a Social Club within the meaning of section 4053 of the code of Alabama ;

II. 715. To authorize the filing of claims against estates of deceased persons in Franklin county ;

II. 568. To amend section 7 of an act entitled an act to incorporate Howard college, in Marion, Perry county, approved December 29, 1841 ;

II. 783. To incorporate the Brotherhood of Dependent Neighbors ;

II. 929. To establish a separate school district in Cherokee county, and to define the boundaries thereof.

And has amended and passed the following bills :

s. 161. To amend section one of an act entitled an act to establish a new charter for the town of Evergreen, in Geneva county, approved February 5th, 1881 ;

s. 219. To amend the charter of the city of Greenville, and the various acts amendatory thereof.

And has adopted the resolution herewith sent relative to appointing a joint committee of the two houses to fix the hour of final adjournment, and to report the advisability of taking a recess to allow the clerks to clear up their work.

Committee on the part of the house. Messrs. Scott, Avery and Quarles.

And has adopted the joint resolution herewith sent relative to the return to the senate of

H. 754. To confirm, ratify and amend the charter of Gurleys and Paint Rock Valley Railroad Company.

And has concurred in the senate amendment to

H. 631. To provide for a charter for the town of Carbon Hill, in Walker county, Alabama.

And has passed

s. 240. To establish a charter for the town of Gurleys, in Madison county ;

s. 242. To amend section 27 of an act entitled an act to establish a new charter for the city of Huntsville, approved December 12, 1888 ;

s. 407. To authorize and empower the board of trustees of the Evergreen Male and Female Academy, an institution of learning, incorporated by act of the general assembly of the state of Alabama, approved February 5, 1840, to prescribe and adopt the order, mode and branches of study and learning to be pursued in said academy, fix the rates of tuition, grant diplomas or other certificates of scholarship, and to do any and all lawful acts necessary, proper and lawful to be done, to further the objects of said academy or which other literary institutions of like kind may do.

And has originated and passed, and ordered to the senate without engrossment.

H. 998. To incorporate the State Savings Association, and define its powers and authority ;

H. 1082. To provide suitable compensation for the superintendent of education of the county of Marengo ;

H. 821. To repeal section 1 of an act entitled an act to prohibit the sale, giving away, or otherwise disposing of vinous.

spirituous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors within five miles of Village Springs Academy, Blount county, and other places therein named, and known as the "Omnibus Bill," approved December 10, 1888, so far as the same relates to Corinth church, beat 15, township 12, range 13 and the town of Guion, in Marion county.

And has passed

s. 309. To authorize and empower the "City of Mobile" to create, open and establish streets and highways within its corporate limits;

s. 446. To amend section 2 of an act entitled an act to amend the charter of the "Stonewall Insurance Company," of Mobile, and extend the provisions thereof, approved February 7th, 1885;

s. 445. To authorize Gadsden Lodge No. 236 A. F. & A. M. to issue bonds to build a masonic temple in the city of Gadsden in this state.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills, the titles of which are set out in the foregoing message, were severally read a first time, and referred to appropriate committees, as follows:

- ii. 742, 1085, to judiciary;
- ii. 741, 945, 765, 715, to local legislation;
- ii. 1013, 929, 1082, to education;
- ii. 711, to agriculture;
- ii. 821, to temperance;
- ii. 672, 959, 1095, 568, 783, 998, to municipal and county organizations.

The senate non-concurred in the house amendment to

s. 161. To amend section one of an act entitled an act to establish a new charter for the town of Evergreen in Conecuh county, approved February 5, 1881.

The senate concurred in the house amendment to the senate bill 219;

Yeas 21, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Wiley—21.

The senate concurred in the house joint resolution set out in the foregoing message,

Relative to appointing a joint committee of the two houses to fix the hour of final adjournment, and to report the advisability of taking a recess to allow the clerks to clear up their work.

The president appointed as the committee on the part of the senate, Messrs. Compton and Godfrey.

The senate concurred in the house joint resolution set out in the foregoing message,

Relative to the return to the senate of H. 754.

RESOLUTION.

By leave, Mr. Grant offered a resolution changing the rules with regard to the time of meeting and adjournment, which was referred to the committee on rules.

REPORT OF JOINT COMMITTEE.

Mr. Godfrey, from a joint committee, submitted the following report :

The joint committee of the senate and house, appointed to confer and fix the hour of adjournment of the present general assembly of Alabama, and to consider the advisability of taking a recess in the meantime to enable the clerks to get up with their work, ask leave to report, as their conclusion,

1st, That this general assembly do adjourn *sine die* on Wednesday night, the 18th inst., at 12 o'clock; and,

2d, That it take a recess for one day—Tuesday, the 17th inst.

S. S. SCOTT,

W. W. QUARLES,

A. M. AVERY,

On the part of the house.

J. C. COMPTON,

L. D. GODFREY.

On the part of the senate.

The report was concurred in.

ADJOURNMENT.

At 10 o'clock p. m., the senate adjourned.

FORTY-EIGHTH DAY.

SATURDAY, Feb. 14th, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Dr. Rush of the city.

Present—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stausel, Steagall, Waddell, Wiley, Williams—32.

The journal of yesterday was approved without being read.

PRIVILEGED QUESTION.

Mr. Haralson arose to a question of privilege, and moved to reconsider the vote by which the senate refused to pass the bill,

H. 757. To create a new county of portions of Clarke, Marenco and Wilcox counties, said new county to be called the county of Herndon.

Mr. Minge moved to lay the motion to reconsider on the table.

Agreed to—yeas 12, nays 10.

Yeas—Mr. President, Berry, Davie, Grant, Harris of Hale, Hundley, Milner, Minge, Parker, Smith of Mobile, Stausel, Williams—12.

Nays—Mr. Cowan, Compton, Downey, Godfrey, Handley, Haralson, Harris of Lee, Smith of Antaug, Stallworth, Steagall—10.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time as follows:

By Mr. Compton, from the judiciary, favorably,

H. 1054. For the relief of F. M. Harrison, T. D. Hendricks, R. F. Grimes, W. J. Flemming, William King, J. B. Lolly, Sarah Barbaree, Luke Farmer, S. Spurlock, P. G. Simmons and J. W. Carroll, settlers on the public lands of this state, in Coffee county;

Also, with amendment,

H. 307. To ratify and amend the incorporation of the "Bir-

irmingham Bar Association" of Birmingham, Alabama, and to enlarge the powers thereof.

By Mr. Handley, from finance, favorably,

ii. 641. To validate the bonds issued by the corporate authorities of the city of Anniston, bearing date June 1, 1887 ;

Also,

ii. 394. To amend section 458 of the code ;

Also, favorably,

ii. 1041. To empower the auditor to extend the time for the collection and absolute release from payment of certain taxes charged against William Rollins, tax collector of Franklin county, Alabama ;

ii. 393. To provide for the collection of taxes from persons removing from one county to another during the tax year ;

Also,

ii. 936. To provide for the collection of a license on transient persons doing business as merchants in the county of Greene, and defining who are transient merchants within the meaning of this act.

Also, favorably,

ii. 617. For the relief of parties whose lands have been sold for taxes.

By Mr. Parks, from revision of laws, favorably,

ii. 557. To repeal an act to amend section 1632 of the code of Alabama, approved February 12th, 1885, so far as the same relates to Dale county ;

Also, with an amendment,

ii. 613. To amend section 4591 of the code ;

Also, favorably,

ii. 772. To confer upon the mayor of the city of Tuskaloosa jurisdiction concurrent with the county court of Tuskaloosa county, of the offenses of vagrancy, violations of Sunday laws, assaults, assaults and batteries and affrays in which no stick or other weapon is used, abusive language, cruelty to animals and public drunkenness, when committed in the corporate limits of the city of Tuskaloosa ;

ii. 282. To amend section 2858 of the code.

By Mr. Haralson, from local legislation, favorably,

ii. 837. To make the fees of bonded constables in the county of Choctaw, the same as sheriffs fees when they perform the same or similar services ;

ii. 716. To authorize the deeds, contracts, conveyances or other instruments to be recorded again in Franklin county ;

n. 1093. To require the commissioners court of roads and revenues for the county of Chambers, to cause road overseers in said county to have loose stones removed from the roads of said county, so far as the same may be practicable ;

n. 483. To repeal an act entitled an act to authorize and require the commissioners court of Crenshaw county to dispose of moneys arising from fines, forfeitures and convict labor, approved February 4th, 1889 ;

n. 741. To authorize the town of Columbia, in Henry county, to borrow money and issue bonds for the purpose of constructing waterworks and electric lights and to regulate the price of water and lights with the citizens of the town who use the same ;

n. 814. To repeal an act entitled an act to amend section 5049 of the code of 1876 as far as it relates to Clay county ;

n. 1005. To authorize the court of county commissioners of Jefferson county to purchase claims against the fine and forfeiture fund of said county ;

n. 945. To amend sections 7, 10, 20 and 36 of an act entitled an act to create a new charter for the city of Florence, Alabama, approved February 28, 1889 ;

n. 656. To prohibit the driving of live animals into, or the placing of the dead bodies of animals in any ditch or canal operated for the purpose of floating logs or timber within the limits of the county of Escambia ;

Also, favorably,

n. 737. For the relief of E. R. Freeman, clerk of the circuit court of Franklin county, Alabama.

By Mr. Harris of Lee, from agriculture, favorably,

n. 1064. To amend section 4 of an act entitled an act to authorize the commissioners court, or court, or board of county revenues of the counties of Marengo, Sumter, Montgomery, Hale, Dallas, Antauga, Wilcox, Lowndes, Russell, Monroe, Lawrence and Perry, to establish or abolish districts in which stock may be prevented from running at large, approved February 28th, 1881 ;

n. 711. To establish the Sylvian agricultural district, to authorize the erection of an outside fence and to dispense with the inside fences, and to levy taxes to erect said fence and to defray all the current expenses of said district ;

n. 470. To amend an act entitled an act for the preservation of game animals and birds in the counties of Tuskaloosa and Calhoun, approved February 27, 1889, so far as the same

applies to Tuscaloosa county, Crenshaw county, Lee county and Calhoun county.

By Mr. Milner, from internal improvements, favorably,

ii. 665. To incorporate the Birmingham Trust and Security Company.

By Mr. Lackey, from municipal and county organizations, favorably,

ii. 672. To incorporate the Alabama Military Institute at Tuskegee, Macon county, Alabama;

ii. 959. To provide for the incorporation of the town of Eastlake, in the county of Jefferson, and to define the powers of such corporation;

ii. 923. To amend section one of an act approved January 16, 1879, and entitled an act to amend an act entitled an act to amend section twelve of an act to establish a new charter for the town of Union Springs, Alabama, approved February 1st, 1876;

ii. 998. To incorporate the State Savings Association and define its powers and authority;

ii. 879. To further enlarge the powers, rights, franchises and privileges of the East Birmingham Land and Railroad Company, a corporation having its principal place of business in the city of Birmingham, in this state;

ii. 1049. To amend an act to amend sections three and four of an act to incorporate the town of Eunola in Geneva county, approved February 21st, 1887;

ii. 322. To incorporate "Cleburne Institute," Edwardsville, Cleburne county, Alabama;

ii. 1095. To amend section eight of an act entitled "an act to incorporate the town of Auburn, Lee county, Alabama," approved February 23, 1875.

By Mr. Skeggs, from education, favorably,

ii. 421. To create a board of education for the town of Avondale, and to prescribe the powers and duties of the same;

ii. 931. To equalize the disbursement of the school fund in Clay county, Alabama.

By Mr. Compton, from judiciary, favorably,

ii. 1085. To amend an act to more effectually secure competent and well qualified jurors in the several counties of this state, with the exception that the provisions of this act shall not apply to the counties of Henry, Mobile, Dallas, Talladega, Clay, Marengo, Cherokee, Etowah, St. Clair, Coffee, Dale, Ge-

neva, Marshall and Montgomery, approved February 28, 1887, so far as the same relates to the county of Lamar;

ii. 742. To authorize the justices of the supreme court to use a portion of the library fund in the purchase of law books for the office of the attorney general.

By Mr. Haralson, from local legislation, favorably.

ii. 825. For the relief of the estate of Mary W. Hunter.

By Mr. Cowan, from temperance, adversely.

ii. 821. To repeal section one of an act entitled "an act to prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors, within five miles of Village Springs Academy, Blount county, and other places therein named, and known as the "Omnibus bill," approved December 10th, 1888, so far as the same relates to Corinth church, beat 15, township 12, range 13, and the town of Guin, in Marion county.

By Mr. Haralson, from local legislation, favorably.

ii. 309. To fix the compensation of the sheriff of Calhoun county for *ex-officio* services.

By Mr. Handley, from finance, adversely.

ii. 1020. To establish and provide for the maintenance of a quarantine by improved methods, against the introduction of yellow fever and other infections or contagious diseases in the state of Alabama.

Mr. Milner moved that the house bill 1020 be postponed and made a special order for Monday at 12 o'clock.

Mr. Downey moved to lay the motion to postpone on the table.

Lost—yeas 8, nays 20.

Yeas—Mr. Bradley, Berry, Cowan, Davie, Downey, Harris of Lee, Reynolds, Williams—8.

Nays—Mr. President, Bloch, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Inzer, Lackey, Milner, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Stansel—20.

The motion to postpone and make a special order prevailed.

PRIVILEGED QUESTION.

Mr. Davie arose to a question of privilege, and moved to reconsider the vote by which the senate concurred in the house amendment to the bill,

s. 181. To amend section 4078 of the code.

The motion to reconsider prevailed.

On motion of Mr. Davie, the senate non-concurred in said amendment.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, February 14, 1891.

Mr. President :

I am directed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,
Private Secretary.

The governor's message was read as follows :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, February 14th, 1891.

To the Senate:

In compliance with joint resolution certified to me this day, I herewith return to the senate, house bill 754.

THOS. G. JONES,
Governor.

QUESTION OF PRIVILEGE.

Mr. Hundley arose to a question of privilege, and moved to reconsider the vote by which the senate passed the bill, H. 754. To confirm, ratify and amend the charter of the Gurleys and Paint Rock Valley Railroad Company.

The motion to reconsider prevailed.

Mr. Hundley moved that the senate reconsider the vote by which the senate ordered the bill to a third reading.

Agreed to.

Mr. Hundley offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Stegall, Waddell, Williams—26.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed the following bills :

H. 399. To amend section nine (9) of an act entitled an act to establish the city court of Decatur, approved February 8th, 1889 ;

H. 619. To refund to George G. White and Charlton Alexander \$107.55 erroneously paid by them into the state treasury for purchase of certain lands previously sold by the state ;

H. 1023. To provide for an election to be held in any beat or precinct in Walker county whenever twenty-five or more householders and free-holders, residing in said precinct shall petition the probate judge of said Walker county for said election, to determine whether it shall be lawful or not to sell, give away, or otherwise dispose of spirituous, vinous or malt liquors within the beat or precinct wherein said election is held.

And has originated and passed, and ordered forthwith to the senate without engrossment, the following bills :

H. 398. To establish a separate school district, to be known as the Hartselle school district, in Morgan county, Alabama, and for the election of a board of trustees for said school district with certain powers and privileges ;

H. 937. For the relief of the Ladies' Memorial Association of Montgomery.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once, and referred to appropriate committees, as follows :

H. 399, to local legislation ;

H. 619, to finance ;

H. 1023, to temperance ;

- ii. 398, to education ;
 ii. 937, to military.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, Feb. 13, 1891.

Mr. President:

I have the honor to inform you that the following bills which originated in the senate have been approved by the governor.

s. 233, 109, 223, 261, 118, 103, 123, 421, 286, 14.

Respectfully,

HARVEY E. JONES,
 Recording Secretary.

BILLS ON THIRD READING.

The bill,

s. 481. To authorize the commissioners of "The Huntsville State Colored Normal and Industrial School" to sell the real property of the school located on Clinton street in the city of Huntsville, Alabama, and re-invest the proceeds of such sale in real estate in or near the city of Huntsville.

Was taken up, and on motion of Mr. Hundley, laid on the table, and instead thereof the senate proceed to consider

The bill,

ii. 1084. To authorize the commissioners of "the Huntsville State Colored Normal and Industrial School" to sell the real property of the school located on Clinton street in the city of Huntsville, Alabama, and re-invest the proceeds of such sale in real estate in or near the city of Huntsville, Alabama.

Mr. Hundley offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—President, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—23.

The bill,

H. 654. To authorize the mayor and councilmen of Brewton to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, for the purpose of putting in a system of water works and making other permanent improvements in said city,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Milner, Parks, Reynolds, Skeggs, Stallworth, Stansel, Steagall, Wiley—20.

The bill,

H. 723. To incorporate Lineville College, at Lineville, Clay county, Alabama,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Parks, Reynolds, Skeggs, Smith of Antanga, Smith of Mobile, Stansel, Steagall, Wiley—18.

The bill,

H. 786. To amend section four of an act to amend and ratify the charter of the Selma and Cahaba Valley Railway Company, approved February 21st, 1887,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Compton, Davie, Downey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Skeggs, Smith of Antanga, Smith of Mobile, Stansel, Steagall, Wiley—17.

The bill,

H. 752. To protect the public property at Hayneville,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Inzer, Milner, Skeggs, Smith of Antauga, Smith of Mobile, Stansel, Steagall, Wiley—20.

The bill,

H. 586. To amend section nine (9) of an act entitled an act to incorporate the Pensacola, Andalusia, Union Springs and Chattanooga Railroad Company, approved February 28th, 1889,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Compton, Davie, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer,

Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley—22.

The bill,

n. 658. To amend the charter of the town of Greensboro, Alabama, and the acts amending the same.

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—28.

The bill,

n. 842. To prevent stock from running at large in the several beats, or parts of beats in Cherokee county, to authorize elections thereon, and to provide for building and maintaining fences and gates,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Inzer, Lackey, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—19.

The bill,

n. 433. To provide a fund for the payment of witnesses for the state in the circuit and county court of Wilcox county, and to prescribe their compensation,

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Harris of Hale, Harris of Lee, Inzer, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Stallworth, Stansel, Wiley—21.

The bill,

n. 151. To provide for a vote of the people on the question of the removal of the court house of Crenshaw county, Ala. to Luverne, and providing for such removal if the people so decide,

Was taken up, and the adverse report concurred in.

The bill,

n. 596. To legalize the marriage of William H. Bottom and Mary C. Bottom, the widow of John Bottom, deceased,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer,

Lackey, Minge, Reynolds, Skeggs, Stansel, Steagall, Wiley, Williams—20.

The bill,

ii. 316. To declare Clarke Frizzle and W. C. Frizzle, liners between the counties of Bullock and Montgomery, citizens of Montgomery county.

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Reynolds, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—21.

The bill,

ii. 51. To provide for the legal examination of the dead bodies of persons believed to have been poisoned, and to pay for such examination.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Godfrey, Handley, Hundley, Inzer, Reynolds, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—18.

The bill,

ii. 1001. To establish a new charter for the town of Clayton, in Barbour county,

Was taken up.

Mr. Davie offered certain amendments, which were severally adopted.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. Bradley, Berry, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Autauga, Stansel, Steagall—21.

The bill,

ii. 884. To incorporate the Eufaula Investment and Security Company,

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—26.

The bill,

ii. 868. To divest the title, interest and estate of the State of Alabama out of certain lands in Talladega county, and invest the same in Drucilla Lawler,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. Bradley, Berry, Cowan, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Parks, Reynolds, Smith of Mobile, Stansel, Steagall, Wiley—18.

The bill,

ii. 626. To protect the owners of bottles, boxes, syphons, fountains and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer, or other beverages,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. Bradley, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Reynolds, Smith of Mobile, Stansel, Wiley—17.

The bill,

ii. 128. To amend section 4301 of the code,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Berry, Cowan, Davie, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stansel, Wiley—19.

The bill,

ii. 130. To confirm and amend the charter of the New Decatur Terminal Company,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Downey, Grant, Godfrey, Handley, Harris of Lee, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—21.

The bill,

ii. 256. To amend section one of an act to prohibit the sale, or giving away of spirituous or vinous liquors within one mile of Spring Hill church, in Pike county, Alabama, approved February 25th, 1875.

Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—23.

The bill,

ii. 362. To authorize the payment of account of the Brown Printing Company,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

The bill,

ii. 630. To declare the Black Warrior river a navigable stream within the limits of Walker county, and to prohibit the obstruction of the same,

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Grant, Godfrey, Handley, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley, Williams—27.

The bill,

ii. 846. To provide for the disposition of certain swamp and overflowed lands, and swamp and overflowed indemnity lands belonging to the state, and to provide for the appropriation of of the moneys arising therefrom.

Was taken up.

Mr. Grant offered an amendment, and, pending its consideration, on motion of Mr. Skeggs, the further consideration of the bill was postponed and made a special order for Monday at 12 o'clock, and fifty copies ordered printed for the use of the senate.

The bill,

ii. 270. To authorize the purchasers of a street railroad at a judicial sale, or other sale by authority of law, to organize as a corporation.

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—26.

The bill,

ii. 148. To amend an act to establish the city court of Aniston, approved February 25th, 1889, by amending certain sections thereof,

Was taken up.

Mr. Grant offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—23.

The bill,

ii. 518. To regulate trials by juries in the county court of Clarke county,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Downey, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Stallworth, Stansel, Steagall, Wiley, Williams—17.

The bill,

ii. 411. To establish a charter for the town of Oneonta,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Wiley—20.

The bill,

ii. 308. To finally dispose of lands which have been sold for its taxes and bid in for the state,

Was taken up.

And pending the consideration thereof, a message was received from the house, as follows:

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in senate amendments to the following bills:

ii. 531. To ratify and confirm the organization of the Birmingham and Atlantic Railroad Company, and to confirm and amend the charter thereof;

ii. 631. To provide for a charter for the town of Carbon Hill, in Walker county, Alabama;

And has adopted the report of the committee on final adjournment, and recess for clerks to catch up with work.

And has passed

s. 390. To incorporate the town of Riverside, in St. Clair county;

s. 470. To ratify and amend the charter of the Alabama Trust and Savings Company;

And has amended, as therein shown, and as amended, has passed

s. 345. To incorporate the Pan American Transportation Company and to define its powers;

And insists on its amendment to

s. 161. To amend section one of an act to establish a new charter for the town of Evergreen, in Conecuh county, approved February 5th, 1881;

And asks for a committee of conference thereon.

Committee on the part of the house, Messrs. Lee of Conecuh, Smith of Russell, and White.

And has originated and passed, and ordered forthwith to the senate without engrossment, the following bills:

ii. 1108. To amend section 4038 of the code;

ii. 1109. To amend section 4039 of the code of Alabama;

ii. 1110. To amend section 4036 of the code;

And has passed

s. 287. To ratify and confirm the charter of the Lady Ensley Coal, Iron and Railroad Co.;

s. 431. To fix the time and places of holding the circuit courts in the various counties composing the ninth judicial circuit of the state of Alabama;

s. 376. To create a lien in favor of the owners or keepers of pastures in Dallas county, for the payment of their charges for keeping and pasturing stock;

s. 441. To amend and enlarge the charter of the Florence Loan and Trust Company, incorporated under the general laws of the state of Alabama;

s. 383. To incorporate the town of Moulton, in Lawrence county, Alabama;

And non-concurs in the senate amendments to the following bills:

ii. 538. To appropriate the sum of fifteen thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof;

ii. 481. To provide for the support of the indigent soldiers and sailors of the late Confederate States army and navy who are now *bona fide* citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama;

And insists on its amendment to

s. 181. To amend section 4078 of the code;

And requests a committee of conference thereon.

Committee on part of house, Messrs. Foster, Clayton and Webb.

And has originated and passed, and ordered forthwith to the senate without engrossment,

II. 205. To create the office of inspector of mines and prescribe the duties of said office.

BENJ. F. ELMORE.

Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message, were severally read once and referred to appropriate committees, as follows :

H. 1108, 1109, 1110, to revision of laws :

II. 205, to internal improvements.

The senate insisted on its amendments to the house bill 538, set out in the foregoing message, and requested a committee of conference thereon.

The president appointed as the committee on the part of the senate, Messrs. Godfrey, Milner and Bloch.

The senate insisted on its amendments to the house bill 481, set out in the foregoing message, and requested a committee of conference thereon.

The president appointed as the committee on the part of the senate, Messrs. Handley, Inzer and Cowan.

The senate acceded to the request of the house for a committee of conference on the bill,

S. 181. To amend section 4078 of the code ;

And the president appointed as the committee on the part of the senate, Messrs. Davie, Wiley and Inzer.

The senate concurred in the house amendment to the senate bill 345, set out in the foregoing message ;

Yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Parker, Reynolds, Smith of Antauga, Smith of Mobile, Stansel, Steagall—21.

The senate acceded to the request of the house for a committee of conference on the senate bill 161 ;

And the president appointed as the committee on the part of the senate, Messrs. Stallworth, Steagall and Hundley.

RECESS.

At 1:30 o'clock p. m., the senate took a recess, till 4 p. m.

AFTERNOON SESSION.

The senate re-assembled at four o'clock p. m.;
A quorum was present.

REPORT OF COMMITTEE ON RULES.

Mr. Stansel, from the committee on rules, submitted the following report, viz :

Mr. President:

The committee on rules, to which has been referred sundry suggestions as rules for the remainder of the session, beg leave to make the following recommendations :

1st. That the senate meet at 9 a. m. and adjourn at 1 p. m.; meet again at 3 p. m. and adjourn at 6 p. m.; and meet again at 7:30 p. m. to adjourn at will, unless the senate by majority vote determine otherwise.

The report was concurred in.

REPORT OF CONFERENCE COMMITTEE

Mr. Davie, from a committee of conference, submitted the following report :

Mr. President:

The committee of conference on the part of the senate and house, to whom was referred the matter of disagreement between the two houses on house amendment to senate bill 181, beg leave to report as follows :

We recommend that the house amendment by Mr. Webb be amended, by inserting the word "now" after the word "physicians" at the end of the third line of said amendment, and that the said amendment, as thus amended, be concurred in.

J. W. INZER,

A. A. WILEY,

JUDSON DAVIE,

Committee on part of the senate.

FOSTER,

H. D. CLAYTON,

W. T. WEBB,

Committee on part of the house.

The report was concurred in.

Yeas 23, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Wiley, Williams—23.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled :

s. 305. To incorporate the Pythian Temple Company, of Birmingham, Alabama ;

s. 188. To provide for the election of the county superintendent of education in the county of Wilcox ;

s. 180. To repeal an act to prohibit the sale, giving away, or otherwise disposing of spirituous or malt liquors, or intoxicating bitters at or within certain localities in this state, therein designated, to-wit : in Spring Hill, Marengo county, and within six miles thereof, and various other places, approved February 28, 1881, so far as the same applies to Van Dorn, Marengo county, and the territory adjacent thereto for one hundred yards ;

s. 267. To authorize the mayor and city council of Jacksonville to issue bonds of said city, for an amount not exceeding fifty thousand dollars, for the purpose of making and improving streets, the public square and grounds about the public spring, and in paying whatever outstanding floating (not bonded) indebtedness said city may have at the passage of this act ;

s. 393. To prevent stock from running at large in beat 5, and section 31, township 23, range 20 in Coosa county ;

s. 406. For the relief of James E. Kennedy, sheriff of Dallas county ;

s. 365. To amend sections three and six, and repeal sections four and five of an act to regulate the state witnesses fees in Hale county, Alabama, and to provide for the payment of the same ;

s. 91. To perpetuate the United States government surveys of lands in Dallas county ;

s. 236. To amend an act incorporating "The Trustees of the Judson Female Institute," approved January 9, 1841 ;

s. 407. To authorize and empower the board of trustees of the Evergreen Male and Female Academy, an institution of

learning, incorporated by act of the general assembly of the state of Alabama, approved February 5, 1840, to prescribe and adopt the order, mode and branches of study and learning to be pursued in said academy, fix the rates of tuition, grant diplomas or other certificates of scholarship, and to do any and all lawful acts necessary, proper and lawful to be done, to further the objects of said academy or which other literary institutions of like kind may do;

s. 179. To provide for the distribution of the money received by the state of Alabama each year in pursuance of the act of congress, approved March 2d, 1837, and known as the "Hatch act," which is entitled "An act to establish agricultural experimental stations in connection with the colleges established in the several states, under the provisions of an act approved July 2d, 1862, and of the acts supplementary thereto;"

s. 390. To incorporate the town of Riverside, in St. Clair county;

s. 470. To ratify and amend the charter of the Alabama Trust and Savings Company;

s. 345. To incorporate the Pan American Transportation Company, and to define its powers;

s. 181. To amend section 4078 of the code;

s. 441. To amend and enlarge the charter of the Florence Loan and Trust Company, incorporated under the general laws of the state of Alabama;

s. 431. To fix the times and places of holding the circuit courts in the various counties composing the ninth judicial circuit of the state of Alabama;

s. 249. To authorize the mayor and city council of the town of Jacksonville, to order an election to change the name of the same upon the petition and vote of the citizens as herein provided;

s. 383. To incorporate the town of Moulton, in Lawrence county, Alabama;

s. 242. To amend section twenty-seven of an act entitled an act to establish a new charter for the city of Huntsville, approved December 12th, 1888;

s. 447. To incorporate the Louise Short Baptist Widows and Orphans Home;

s. 309. To authorize and empower the city of Mobile to create, open and establish streets and highways within its corporate limits;

s. 376. To create a lien in favor of the owners, or keepers

of pastures in Dallas, Tuscaloosa and Lee counties, for the payment of their charges for keeping and pasturing stock;

s. 415. To authorize Gadsden Lodge No. 236, A. F. & A. M., to issue bonds to build a Masonic temple in the city of Gadsden, in this state;

s. 287. To ratify and confirm the charter of the Lady Ensley Coal, Iron and Railroad Company.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house, having signed the following bills, your signature thereto is requested:

h. 559. To ratify and confirm the agreement of consolidation made by and between the Jefferson Iron Company, and the Irondale Company of Jefferson county,

h. 631. To provide for a charter for the town of Carbon Hill, in Walker county, Alabama;

h. 276. To confirm the charter of the Birmingham Building and Loan Association, to define and declare the powers to provide for the increase of the capital stock and to extend the time within which said association shall continue to exist as a corporation,

h. 312. To amend an act entitled an act to incorporate the town of Gordon, in Henry county, Alabama, approved February 1st, 1872,

h. 551. To confer additional powers upon the Jasper Land Company, a corporation whose charter was ratified and confirmed by an act of the general assembly of Alabama, approved February 27th, 1889, for the purpose of enabling the said Jasper Land Company to enhance the value of its property,

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message and report of enrolled bills.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has originated and passed, and ordered forthwith to the senate without engrossment, the bills :

n. 767. To amend an act to authorize the commissioners court of Perry, to establish or abolish districts in said county in which stock may be prevented from running at large, approved February 15th, 1889.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bill, the title of which is set out in the foregoing message, was read once and referred to the committee on agriculture.

MESSAGE FROM THE HOUSE.

Mr. President :

The house accedes to the request of the senate for a committee of conference on

n. 481. To provide for the support of the indigent soldiers and sailors of the late Confederate States army and navy who are now *bona fide* citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama.

Committee on the part of the house, Messrs. Snaw, Brewer and Blackwell;

And has concurred in the conference report on

s. 181. To amend section 4078 of the code;

And accedes to the request of the senate for a committee of conference on

n. 538. To appropriate the sum of fifteen thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof.

House committee, Messrs. Lewis, Adams, Amason of Sumter.

And the house requests the return to the house of s. 219 for the purpose of amendment.

BENJ. F. ELMORE,
Clerk.

PRIVILEGED QUESTION.

Mr. Stallworth arose to a question of privilege, and moved that the senate reconsider the vote by which it concurred in the house amendments to the foregoing senate bill.

s. 219. To amend the charter of the city of Greenville, and the various acts amendatory thereof.

And, by unanimous consent, said motion to reconsider prevailed, and the secretary was directed to return said bill to the house.

REPORT OF CONFERENCE COMMITTEE.

Mr. Godfrey, from a committee of conference submitted the following report.

Mr. President:

Your committee of conference upon the disagreement of the two houses to senate amendments to house bill No. 538,

Have had the matter under consideration, and beg leave to report the following recommendation:

1. That the senate recede from its amendments.

L. D. GODFREY,
JOHN T. MILNER,
SOL. D. BLOCH,

Committee on part of senate.

W. S. LEWIS,
S. C. M. AMASON,

Committee on part of house.

Mr. Grant moved that the senate non-concur in said report, and the report was non-concurred in—yeas 7. nays 21.

Yeas—Mr. Bloch, Godfrey, Milner, Smith of Mobile, Stallworth, Stansel, Williams—7.

Nays—Mr. President, Bradley, Berry, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Wiley—21.

Mr. Godfrey moved that the foregoing committee of conference be discharged, and the senate request a new conference on said bill.

The motions prevailed.

The president appointed on said committee, Messrs. Grant, Downey and Skeggs.

BILLS ON THIRD READING.

The senate resumed consideration of

The bill,

H. 598. To prevent limiting on land without written consent of owner or his agent in Dallas, Madison, Conecuh, Wilcox, Autauga and Sumter counties.

The pending amendment was adopted.

Mr. Stallworth offered an amendment, which was adopted.

Mr. Lackey offered an amendment, which was adopted.

Mr. Bloch offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 20, nays 3.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Parks, Reynolds, Smith of Mobile, Stansel, Wiley—20.

Messrs. Hundley, Inzer and Parker voted no.

The bill,

S. 498. To incorporate the Alabama Christian Missionary Association,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Milner, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Wiley, Williams—22.

The bill,

H. 1056. To provide clerical assistance for the supreme court,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Bloch, Davie, Grant, Handley, Haralson, Harris of Hale, Hundley, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley—21.

The bill,

H. 1070. To establish a separate school district in the city of Eufaula, Barbour county, Alabama, and to provide means to support said separate school district,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Milner, Parker, Parks,

Reynolds, Skeggs, Smith of Antauga, Stallworth, Stansel, Wiley—24.

REPORT OF COMMITTEE OF CONFERENCE.

Mr. Stansel, from a committee of conference, submitted the following report :

Mr. President:

The committee of conference of the two houses, to whom was referred the bill, s. 354, to be entitled an act to better provide for establishing and working the public roads in this state, have had the same under consideration and recommend that the senate do concur in the house amendments.

D. J. MEADOR,
PHILLIP A. WOOD,
G. A. NORTINGTON,
House Committee.

M. L. STANSEL,
I. H. PARKS,
L. D. GODFREY,
Senate Committee.

The senate concurred in the foregoing report.

Yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Inzer, Milner, Parker, Parks, Reynolds, Skeggs, Stallworth, Stansel—21.

RECESS.

At 6 o'clock p. m., the senate took a recess, till 7:30 o'clock p. m.

—————
EVENING SESSION.

The senate re-assembled at 7:30 o'clock p. m.;
A quorum present.

BILLS ON THIRD READING.

The bill,
H. 681. To incorporate the town of Seddon, in St. Clair

county, and to establish a charter for the government thereof.

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Steagall—17.

The bill,

h. 622. To amend sections 4068 and 4069 of the code of Alabama,

Was taken up and the pending amendment adopted.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth—17.

The bill,

h. 891. To incorporate the Alabama, Florida and Chattanooga Railway Company,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth—18.

The bill,

h. 686. To amend an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, within one-half mile of the City Mission Church and the Corinthian Baptist Church in Mobile county, and other places named therein, and known as the "Omnibus Liquor Bill," approved December 10th, 1890.

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth—19.

The bill,

h. 601. To make an appropriation for the expenses of encampments of Alabama state troops, for the years 1891 and 1892.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth—18.

The bill,

ii. 249. To require all fines and forfeitures in criminal cases in the county of Jefferson to be paid in lawful money,

Was taken up.

Mr. Harris of Lee offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth—18.

The bill,

ii. 700. To create and establish a new beat in Lee county, Alabama, to be known and designated as Beat No. 14, in said county, having as a precinct or voting place, Smith's Station,

Was taken up.

Mr. Harris of Lee offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 17, nays 1.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth—17.

Mr. President voted no.

The bill,

ii. 973. To fix the times and places for holding the courts in the third judicial circuit of the state of Alabama,

Was taken up.

Mr. Haralson offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley—18.

The bill,

ii. 310. To allow appeals to the supreme court from decisions of the city and circuit courts in this state, granting or refusing to grant motions for new trials,

Was read a third time and passed—yeas 18, nays 1.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley—18.

Mr. Haralson voted no.

The bill,

II. 206. To amend sections 4 and 11 of an act entitled an act to establish the criminal court of Jefferson county,

Was taken up.

Mr. Milner offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Wiley—19.

The bill,

II. 357. To prohibit the payment or allowance of claims against the estates of decedents, which have been barred by the statute of limitation in the life of such decedent,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Wiley—19.

The bill,

II. 401. To provide for the more efficient working, keeping up, repairing and improving the public roads and bridges, opening and making new public roads and bridges, in the county of Morgan; to locate, construct and build within the limits of the county, a system of public roads of a superior grade, to be known and designated as "county roads,"

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Wiley—18.

The bill,

II. 760. To establish a charter for the town of Albertville, in Marshall county, Alabama,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Wiley—19.

The bill,

II. 823. To amend sections 4 and 6 of an act entitled an act to prevent stock from running at large in the several beats

of Randolph and Calhoun counties, and to authorize elections therein,

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Wiley—19.

The bill,

ii. 762. To amend section 7 of an act entitled an act to regulate the mode of selecting, drawing and empanneling grand and petit jurors for the county of Mobile, approved February 20, 1883, and likewise to amend sections 2 and 5 of an act entitled an act to amend sections 4, 5, 13 and 17, of an act entitled an act to regulate the mode of selecting, drawing and empanneling grand and petit jurors for Mobile county, approved February 20, 1883, and to amend as well sections 1, 2 and 5, of an act, approved February 16, 1885, entitled an act to amend sections 6, 8, 10, 11 and 13 of an act entitled an act to regulate the mode of selecting, drawing and empanneling grand and petit jurors for Mobile county, approved February 20, 1883, approved February 24, 1887,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Skeggs, Smith of Antauga, Smith of Mobile, Wiley, Williams—20.

The bill,

ii. 497. To authorize the corporate authorities of the city or Gadsden, to release and surrender the option of the city of Gadsden to redeem the bonds that have been issued by the said corporate authorities known and designated as "Sanitary bonds," and to authorize said corporate authorities to issue the remainder of the one hundred thousand dollars of said bonds authorized by act of the general assembly of Alabama, approved February 28, 1887, and also, by act amendatory thereof, approved February 28, 1889, to run no longer than thirty years,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Wiley—21.

The bill,

H. 226. To amend an act in relation to the trials of misdemeanors in Tuscaloosa and other counties therein named, in so far as the same relates to Tuscaloosa county,

Was read a third time and passed—yeas 19, nays 9.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—19.

The bill,

H. 1092. To authorize the town of Dothau, to levy and collect license taxes upon professions, occupations, vocations and businesses practiced, or engaged in, within said town,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Wiley, Williams—18.

The bill,

H. 1068. To regulate the fine and forfeiture fund in Tallapoosa county, Alabama,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Wiley, Williams—21.

The bill,

H. 944. To prescribe and regulate the purchase of supplies for the several county offices, court house, jail, alms house and convict camp of Jefferson county,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—20.

The bill,

H. 552. To provide a new charter for the town of Russellville,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—19.

The bill,

II. 226. To amend an act in relation to the trials of misdemeanors in Tuscaloosa and other counties therein named, in so far as the same relates to Tuscaloosa county,

Was read a third time and passed—yeas 19, nays 9.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—19.

The bill,

II. 1092. To authorize the town of Dothan, to levy and collect license taxes upon professions, occupations, vocations and businesses practiced, or engaged in, within said town,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Wiley, Williams—18.

The bill,

II. 1068. To regulate the fine and forfeiture fund in Tallapoosa county, Alabama,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Wiley, Williams—21.

The bill,

II. 944. To prescribe and regulate the purchase of supplies for the several county offices, court house, jail, alms house and convict camp of Jefferson county,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—20.

The bill,

II. 552. To provide a new charter for the town of Russellville,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—19.

The bill,

n. 844. To amend an act entitled an act to prevent stock from running at large in the several beats in Tallapoosa and Coosa counties and to authorize an election thereon, approved February 26th, 1887,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—20.

The bill,

n. 907. To reimburse C. J. Ross, sheriff of Pike county, for expenses incurred by him in going to Florida and removing one John Blue, a prisoner, from jail in Tallahassee, Florida, to Troy jail in Pike county, and for expenses for capturing one Johnson Ellis, charged with murder, who was tried and convicted, and is now serving a life sentence in the penitentiary of this state,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—19.

The bill,

n. 1066. To incorporate the Evergreen Industrial Normal School,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Wiley, Williams—21.

The bill,

n. 69. To amend the charter of the city of Uniontown, county of Perry, state of Alabama,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Wiley, Williams—21.

The bill,

n. 876. To authorize the commissioners courts of Choctaw and Clarke counties to establish districts in which stock may be prevented from running at large,

Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Stallworth, Wiley, Williams—21.

The bill,

n. 953. For the relief of Gay, Hardie & Co.,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—18.

The bill,

n. 684. To amend section 4887 (4927) (4459) of the code, so far as the same relates to Sumter county,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—18.

The bill,

n. 1028. To pay for articles purchased for the use of the senate and house of representatives, and for repairing the senate chamber and the hall of the house of representatives, and for repairing and furnishing the rooms of the engrossing and enrolling clerks of the house of representatives,

Was read a third time and passed—yeas 19, nays 1.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parks, Skeggs, Smith of Autauga, Wiley, Williams—19.

Mr. Parker voted no.

The bill,

n. 491. To prevent hogs from running at large in certain portions of Madison county,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Skeggs, Smith of Autauga, Wiley, Williams—19.

The bill,

n. 318. To amend and revise the charter of the town of Oxanna,

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Wiley—18.

The bill,

n. 661. To legalize the purchase of a ferry across the Chattahoochee river by the town of Columbia, Henry county, Alabama, and to authorize said town to run or operate the same,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Wiley, Williams—19.

The bill,

n. 707. To incorporate the town of Springville, with the boundaries hereinafter designated, and to establish a new charter for said town,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Grant, Godfrey, Handley, Haralson, Hundley, Inzer, Milner, Parker, Parks, Reynolds, Skeggs, Stallworth, Stansel, Steagall, Wiley, Williams—22.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has originated, and passed, and ordered forthwith to the senate, without engrossment, the following bills:

n. 872. To amend section 1 of an act approved February 12th, 1887, entitled an act to establish the Warrior agricultural district to provide for the securing of the same and the management of its affairs;

n. 610. To amend sections 2 and 16 of an act entitled an act to amend an act entitled an act to establish the city court of Birmingham, which was approved February 28th, 1889;

And has non-concurred in the senate amendment to the following bill:

n. 433. To provide a fund for the payment of witnesses for the state in the circuit and county courts of Wilcox county and to prescribe their compensation;

And concurs in the senate amendments to the following bills :

ii. 256. To amend section one of an act to prohibit the sale or giving away of spirituous or vinous liquors within one mile of Spring Hill Church, in Pike county, Alabama, approved February 25th, 1875 :

ii. 1084. To authorize the commissioners of "the Huntsville State Colored Normal and Industrial School" to sell the real property of the school located on Clinton street in the city of Huntsville, Alabama, and re-invest the proceeds of such sale in real estate in or near the city of Huntsville, Alabama ;

ii. 148. To amend an act to establish the city court of An-niston, approved February 25th, 1889, by amending certain sections thereof ;

ii. 1001. To establish a new charter for the town of Clayton, in Barbour county ;

ii. 622. To amend sections 4068 and 4069 of the code of Alabama ;

And non-concurs in the senate amendments to

ii. 598. To prevent hunting on land without written consent of owner or his agent, in Dallas, Madison, Conecuh, Wilcox, Autauga and Sumter counties ;

And asks for a committee of conference thereon.

Committee on the part of the house : Messrs. Quarles, White and Jones.

And insists on the amendment to

s. 219. To amend the charter of the city of Greenville, and the various acts amendatory thereof ;

And asks for a committee of conference thereon.

Committee on the part of the house : Messrs. Harrell, Smith of Russell and White.

And non-concurs in the conference report on

ii. 538. To appropriate the sum of fifteen thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof ;

And has appointed a new conference committee on the part of the house, to-wit : Messrs. Lewis, Scott and Adams.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bills in the foregoing house message were severally read once, and referred to appropriate committees, as follows :

ii. 872, to agriculture ;

ii. 610, to a special committee, consisting of Messrs. Handley, Skeggs and Stallworth.

The senate insisted on its amendments to the house bill 433, set out in the foregoing house message, and requested a committee of conference thereon.

The president appointed on said committee, Messrs. Bloch, Downey and Cowan.

The senate insisted on its amendments to the house bill 598, set out in the foregoing house message, and requested a committee of conference thereon.

Committee on the part of the senate, Messrs. Downey, Lackey and Harris of Hale.

The senate acceded to the request of the house for a committee of conference on the senate bill 219, set out in the foregoing house message, and the president appointed on said committee, Messrs. Stallworth, Inzer and Grant.

REPORT OF CONFERENCE COMMITTEE.

Mr. Grant, from a committee of conference, submitted the following report :

Mr. President:

The committee of conference on the part of the senate and house, to whom was referred the matter of disagreement between the two houses on house amendment to senate bill 538, beg leave to report as follows :

We recommend that the house concur in the senate amendment.

L. W. GRANT,
W. T. DOWNEY,
WM. E. SKEGGS,

Committee on part of the senate.

W. S. LEWIS,
S. M. ADAMS,
S. S. SCOTT,

Committee on part of the house.

The foregoing report was concurred in.

Yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Compton, Davie, Downey, Grant, Handley, Harris of Lee, Inzer, Lackey, Milner, Minge, Parker, Parks, Skeggs, Smith of Mobile, Wiley—18.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house, having signed the following bills your signature thereto is requested :

H. 51. To provide for the legal examination of the dead bodies of persons believed to have been poisoned, and to pay for such examinations ;

H. 626. To protect the owners of bottles, boxes, syphons, fountains and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, beer, white beer, or other beverages ;

H. 654. To authorize the mayor and councilmen of Brewton to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, for the purpose of putting in a system of water works and making other permanent improvements in said city ;

H. 630. To declare the Black Warrior river a navigable stream within the limits of Walker county, and to prohibit the obstruction of the same ;

H. 270. To authorize the purchasers of a street railroad at a judicial sale, or other sale by authority of law, to organize as a corporation ;

H. 130. To confirm and amend the charter of the New Decatur Terminal Company ;

H. 586. To amend section nine (9) of an act entitled an act to incorporate the Pensacola, Andalusia, Union Springs and Chattanooga Railroad Company, approved February 28th, 1889 ;

H. 884. To incorporate the Enfaula Investment and Security Company ;

H. 723. To incorporate Lineville College, at Lineville, Clay county, Alabama ;

H. 786. To amend section four of an act to amend and ratify the charter of the Selma and Cahaba Valley Railway Company, approved February 21st, 1887 ;

H. 1070. To establish a separate school district in the city of Eufaula, Barbour county, Alabama, and to provide means to support said separate school district.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

MESSAGE FROM THE HOUSE.

Mr. President ·

The house has originated and passed, and ordered forthwith to the senate without engrossment, the following bills :

H. 883. To repeal an act approved February 20th, 1889, entitled an act to amend the act to incorporate the city of Tuskaloosa, approved March 12, 1873, by amending section 1 of said act so as to extend the boundary lines of said city ;

H. 981. To authorize the mayor and councilmen of Troy to erect and maintain a system of electric lights and issue bonds in payment thereof in an amount not exceeding twenty thousand dollars ;

H. 980. To divide the county of Randolph into four commissioners districts and to prescribe the term of office of members of said court ;

H. 607. To amend section 521 of the code, so far as the same relates to Jefferson county ;

H. 267. To enlarge the criminal jurisdiction of justices of the peace in Calhoun county ;

H. 495. To amend section two of an act entitled an act to authorize the mayor and board of aldermen of the city of Gadsden to negotiate a loan for lighting said city, either by gas or electricity, for drainage, sewerage, and for the sanitary purposes, and to issue bonds for the payment of the same, approved February 28th, 1887 ;

H. 790. To authorize and direct the auditor to correct an error in the assessment for taxation for the year 1890, of the rolling stock of the Nashville, Florence and Sheffield Railroad Company.

HOUSE MESSAGES.

The house bills, the titles of which are set out in the foregoing message, were severally read a first time, and referred to appropriate committees, as follows :

- ii. 883, 267, 495, to local legislation ;
- ii. 980, 790, to finance ;
- ii. 981, to municipal and county organizations ;
- ii. 607, to internal improvements.

JOINT RESOLUTION.

By leave, Mr. Hargrove (Mr. Haralson presiding), offered a joint resolution, requesting the governor to return the bill, s. 406 ;

Adopted.

ADJOURNMENT.

At ten o'clock p. m. the senate adjourned.

FORTY-NINTH DAY.

MONDAY, Feb. 16th. 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Mr. Rush of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—32.

The journal of yesterday was approved without being read.

BILLS ON SECOND READING.

Bills were reported from committees and read a second time as follows :

By Mr. Handley, from finance, favorably,

ii. 790. To authorize and direct the auditor to correct an error in the assessment for taxation for the year 1890, of the rolling stock of the Nashville, Florence and Sheffield Railroad Company;

ii. 980. To divide the county of Randolph into four commissioners' districts, and to prescribe the term of office of members of said court;

ii. 619. To refund to George G. White and Charlton Alexander, \$107.55, erroneously paid by them into the state treasury for purchase of certain lands previously sold by the state.

By Mr. Parks, from revision of laws, favorably,

ii. 1108. To amend section 4038 of the code of Alabama;

ii. 1110. To amend section 4036 of the code of Alabama;

ii. 1109. To amend section 4039 of the code of Alabama.

By Mr. Haralson, from local legislation, favorably,

ii. 765. To declare the Montgomery Shooting Club a social club within the meaning of section 4053 of the code of Alabama;

ii. 495. To amend section two of an act entitled an act to authorize the mayor and board of aldermen of the city of Gadsden to negotiate a loan for lighting said city either by gas or electricity; for drainage, sewerage and for sanitary purposes, and to issue bonds for the payment of the same, approved February 28, 1887;

ii. 715. To authorize the refiling of claims against estates of deceased persons in Franklin county;

ii. 399. To amend section nine (9) of an act entitled an act to establish the city court of Decatur, approved February 8th, 1889;

ii. 985. To amend section three of an act to provide for the more efficient working of the public roads in the county of Talladega, approved December 9th, 1886, and section four of an act to amend sections 20, 21, 22 and 26 of an act to provide for the more efficient working of the public roads in Talladega county, and approved February 13th, 1889.

By Mr. Lackey, from municipal and county organizations, favorably,

ii. 568. To amend section 7 of an act entitled an act to incorporate Howard College, in Marion, Perry county, approved December 29th, 1841;

ii. 981. To authorize the mayor and councilmen of Troy,

to erect and maintain a system of electric lights and to issue bonds in payment thereof in an amount not exceeding \$20,000 (twenty thousand dollars).

By Mr. Harris of Lee, from agriculture, favorably,

ii. 767. To amend an act to authorize the commissioners court of Perry to establish or abolish districts in said county in which stock may be prevented from running at large, approved February 15th, 1889;

ii. 872. To amend section 1 of an act approved February 12th, 1879, entitled an act to establish the Warrior Agricultural District, to provide for the securing of the same and the management of its affairs.

By Mr. Skeggs, from education, favorably,

ii. 398. To establish a separate school district to be known as the Hartsell school district, in Morgan county, Alabama, for the election of a board of trustees for said school district, with certain powers and privileges;

ii. 929. To establish a separate school district in Cherokee county, and to define the boundaries thereof.

By Mr. Handley, from a special committee, favorably,

ii. 610. To amend sections 2 and 16 of an act entitled an act to amend an act entitled an act to establish the city court of Birmingham, which was approved February 28th, 1889.

By Mr. Milner, from internal improvements, favorably,

ii. 607. To amend section 521 of the code, so far as the same relates to Jefferson county, Alabama.

By Mr. Hralson, from local legislation, adversely,

ii. 2. To repeal section 4197, article 3, of the code of Alabama, so far as the same applies to Bibb county.

By Mr. Lackey, from municipal and county organizations, favorably,

ii. 783. To incorporate the Brotherhood of Dependent Neighbors.

By Mr. Milner, from internal improvements, favorably,

ii. 205. To create the office of inspector of mines, and prescribe the duties of said office.

By Mr. Wiley, from military, favorably,

ii. 937. For the relief of the Ladies' Memorial Association of Montgomery.

On motion of Mr. Milner house bill 205 was made a special order for Wednesday, immediately after reading the journal.

On motion of Mr. Wiley house bill 937 was made the second special order on Wednesday morning.

REQUEST TO RETURN BILL.

On motion of Mr. Haralson, the house was requested to return the house bill 760.

JOINT RESOLUTION.

By leave, Mr. Compton offered a joint resolution, raising a joint committee to inquire further into the expediency of a longer recess to enable the clerks of the two houses to have bills properly enrolled, which was adopted.

The president appointed on said committee Messrs. Compton and Godfrey.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in the senate amendments to the following bill:

H. 754. To amend the charter of the Gurley and Paint Rock Valley Railroad Company;

And has amended and passed:

S. 418. To authorize the mayor and councilmen of Troy, in Pike county, to erect and maintain or otherwise provide a system of water works for the city of Troy and issue bonds in payment thereof in an amount not exceeding fifty thousand dollars;

S. 284. To prevent the running at large of stock in certain portions of Elmore county;

And has amended by way of substitute and passed

S. 88. To prohibit the selling, giving away or otherwise disposing of alcoholic liquors within three miles of Hebron Baptist Church, in Pickens county;

With the following title:

S. 88. To prohibit the selling, giving away or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks, or beverages, or fruits preserved in alcoholic liquors within three miles of Hebron Baptist church, in Pickens county; or within five miles of Brookwood, in Tuskaloosa county; or within five miles of Arbour Springs Baptist church, in Tuskaloosa county; or within three miles of Union Grove Baptist church, in beat two, or within three miles of

McKinney's school house, in beat thirteen, or within five miles of Pierce Chapel Methodist church, in beat seven, in Lee county; or within three miles of Big Creek Baptist church, or within Memphis Beat No. 20, in Pickens county; or within beat five, in Winston county; or within six miles of the Methodist and Baptist churches, and the Clopton Academy, in the town of Clopton, in Dale county; or within three miles of Mossy Grove church and school house, in Pike county; or within two miles of Jones' chapel, in Cullman county; or within four miles of the Bullock Baptist church, in Crenshaw county; or within three miles of Mount Zion Baptist church, in beat four, in Chambers county; or within three miles of Mount Pleasant church, in beat five, in Chambers county; or within the corporate limits of the town of Hartselle, in Morgan county; or within five miles of Rocky Mount Methodist church, in beat one, in Chilton county; or within one and a half miles of Kelleyton Methodist church, in Coosa county; or within eight miles of Oak Grove church, in Pickens county; or within four miles of the O'Neal's school house, in Limestone county; or within one-half mile of the Methodist church, in Toulminville, Mobile county; or within three miles of Clear Creek Cumberland Presbyterian church, in Etowah county; or within six miles of the court house at Daphne, in Baldwin county; or within two miles of Providence church, in beat three, in Dale county; or within the limits of beat ten, in Jackson county; or within five miles of the Cumberland Presbyterian church, in Larkinsville, Jackson county; or within three miles of Holly Grove (Colored) Baptist church, in beat fourteen, Lamar county; or within one mile of the Methodist Episcopal church south, near Henryville, Marshall county; or within three miles of Shady Grove Baptist church, or the Bethel Baptist church, or within four miles of Mount Moriah Baptist church, or within two miles of Zebulon Baptist church, in Pike county; or within two miles of Goodwater church, in beat five, in Dale county; or within one mile of Fresno post-office, in Coffee county; or within two miles of Holmes Gap Academy, in Cullman county; or within five miles of Corinth church, in beat one, in Chilton county; or within six miles of Shorterville Baptist church, in Henry county; or within two miles of Cowarts Baptist church, in Henry county.

And accedes to the request of the senate for a committee of conference on the disagreement of the two houses on the senate amendment to

ii. 433. To provide a fund for the payment of witnesses for the state in the circuit and county courts of Wilcox county and to prescribe their compensation;

Committee on part of the house: Messrs. Purifoy, Brewer and Sayre.

And has passed the bills,

s. 299. To incorporate the Autauga Volunteer Hook and Ladder Company No. 1, of the town of Prattville;

s. 278. To incorporate the Limestone County Oil and Gas Company;

s. 274. To legalize the marriage of James H. Hatley and Sarah A. Hatley, citizens of the county of Limestone, state of Alabama;

And has concurred in the reports of the committees of conference on the following bills:

ii. 538. To appropriate the sum of fifteen thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof;

s. 219. To amend the charter of the city of Greenville, and the various acts amendatory thereof;

And has concurred in joint resolution requesting the return by the governor of

s. 406. For the relief of James E. Kennedy, sheriff of Dallas county;

And has originated and passed, and ordered forthwith to the senate without engrossment,

ii. 1037. To require tax assessors to assess the mineral and timber interests in the lands of the state;

And has concurred in the senate amendments to the following bills:

ii. 318. To amend and revise the charter of the town of Oxanna;

ii. 823. To amend sections 4 and 6 of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections therein;

ii. 973. To fix the times and places for holding the courts in the third judicial circuit of the state of Alabama;

ii. 206. To amend sections 4 and 11 of an act entitled an act to establish the criminal court of Jefferson county;

ii. 696. To amend an act entitled an act to incorporate the town of Brewton, in Escambia county, approved February 13th, 1885;

n. 249. To require all fines and forfeitures in criminal cases in the county of Jefferson to be paid in lawful money ;

And has concurred in the conference report on disagreements of two houses on

s. 161. To amend section one of an act entitled an act to establish a new charter for the town of Evergreen, in Conecuh county, approved February 5th, 1881 ;

And returns, at the request of the senate, the house bill 760 ;

And has adopted the senate joint resolution relative to re-considering the matter of adjournment.

Committee on the part of the house : Messrs. Scott, Avery and Quarles.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The house bill 1037 in the foregoing house message was read once, and referred to the finance committee.

The senate non-concurred in the house amendment, by way of substitute, to senate bill 88, set out in the foregoing house message, and requested a committee of conference thereon.

The president appointed on said committee, Messrs. Cowan, Nesmith and Handley.

The senate concurred in the house amendment to the senate bill 418, set out in the foregoing house message ;

Yeas 25, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Williams—25.

The senate concurred in the house amendment to the senate bill 284, set out in the foregoing house message ;

Yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Williams—24.

PRIVILEGED QUESTION.

By unanimous consent, Mr. Haralson arose to a question of privilege, and moved to reconsider the vote by which the senate passed the bill,

H. 760. To establish a charter for the town of Albertville, in Marshall county, Alabama.

The motion to reconsider prevailed.

Mr. Haralson moved to reconsider the vote by which the senate ordered said bill to a third reading.

Agreed to.

Mr. Haralson offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Block, Cowan, Compton, Davie, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel—22.

REPORT OF CONFERENCE COMMITTEE.

Mr. Stallworth, from a committee of conference, submitted the following report :

Mr. President:

The committee of conference upon the disagreement of the the two houses upon the house amendments to the senate bill 219, recommend the adoption of the house amendments to the bill; and also recommend the adoption of the following amendment :

Amend by striking out the words "three months;" after the words "for and," before the word "next," in second section, and inserting in lieu thereof "thirty days."

LOUIS HARRELL,

G. P. WHITE,

J. V. SMITH.

Committee on part of the house.

N. STALLWORTH,

L. W. GRANT,

JOHN W. INZER,

Committee on part of the senate.

The foregoing report was concurred in—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Block, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of

Lee, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Waddell—24.

REPORT OF COMMITTEE OF CONFERENCE.

Mr. Stallworth, from a committee of conference, submitted the following :

Mr. President:

Amend by striking out the following words, "extend one-half mile in every direction" and substitute the following: Be one and a half miles square, to be laid off and surveyed as follows: begin at the centre of the court house square and run three-fourths of a mile due east, thence south three-fourths of a mile, thence west one and a half miles, thence north one and a half miles, thence east one and a half miles, thence south three-fourths of a mile.

The conference committee on senate bill 161, recommend that the house recede from its amendment, and that the above amendment be substituted instead of house amendment.

R. A. LEE,
J. V. SMITH,
G. P. WHITE,
House committee.
N. STALLWORTH,
OSCAR R. HUNDLEY,
W. C. STEAGALL,
Senate committee.

The foregoing report was concurred in—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Hundley, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Stansel, Waddell, Wiley—25.

MESSAGE FROM THE HOUSE.

Mr. President:

I am directed by the house to invite the senate into the hall of the house, to elect a solicitor for the district court of Colbert and Lauderdale counties.

BENJ. F. ELMORE,
Clerk.

JOINT CONVENTION TO ELECT A SOLICITOR FOR DISTRICT COURT OF
LAUDERDALE AND COLBERT COUNTIES.

In compliance with the foregoing invitation the senate proceeded to the hall of the house of representatives, for the purpose of electing a solicitor for the district court composed of the counties of Lauderdale and Colbert.

The convention was called to order by the president of the senate, who directed the secretary to call the roll of the senate, when the following senators answered to their names, viz :

Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—31.

The speaker of the house then directed the clerk of the house to call the roll of the house, when the following representatives answered to their names, viz :

Messrs. Speaker, Adams, Alexander, Almon, Amason of Sumter, Amason of Tallapoosa, Appleton, Avery, Ayres, Bain, Barnett, Bass, Bevis, Bishop, Blackwell, Brewer, Brown, Buck, Burford, Clanton, Clayton, Coleman, Cooper, Cox, Davidson, Davis of Fayette, Davis of Lamar, Finch, Forman, Foster, Guthrie, Harrell, Harris, Henry, Hill, Huffham, Jackson, Johnson, Jones, Judge, Kelly, Kemp, Langley, Lee of Barbour, Lee of Conecuh, Leigh, Lewis, Long, Longshore, Moore of Baldwin, Moore of Madison, Nolen, Northington, Parker, Parks, Pettus, Poole, Powell, Purifoy, Quarles, Ramsay, Rather, Rousseau, Sayre, Scott, Screws, Simmons, Smaw, Smith of Dallas, Smith of Russell, Sparkman, Steele, Sullivan, Townsend of Limestone, Townsend of Pike, Tucker of Crenshaw, Tucker of Lauderdale, Wade, Watters, Whatley, Wood, Wilson, Young.

The president of the senate then announced that a quorum of the two houses of the general assembly of Alabama, was present, and that the object of the joint convention was the election of a solicitor for the district court of the counties of Colbert and Lauderdale.

Mr. Smith of Russell, placed in nomination Mr. A. H. Carmichael, of Colbert.

Those of the senate, who voted for Mr. Carmichael are Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Ne-

smith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—31.

Those of the house of representatives, who voted for Mr. Carmichael, are

Messrs. Speaker, Adams, Alexander, Almon, Amason of Suunter, Amason of Tallapoosa, Appleton, Avery, Ayres, Bain, Barnett, Bass, Bevis, Bishop, Blackwell, Brewer, Brown, Buck, Burford, Clanton, Clayton, Coleman, Cooper, Cox, Davidson, Davis of Fayette, Davis of Lamar, Finch, Forman, Foster, Gass, Gilchrist, Guthrie, Harrell, Harris, Henry, Hill, Howle, Hufham, Jackson, Johnson, Jones, Judge, Kelly, Kemp, Lane, Langley, Lee of Barbour, Lee of Conecuh, Lewis, Long, Longshore, Moore of Baldwin, Moore of Madison, Nolen, Northington, Parker, Parks, Peacock, Pettus, Poole, Powell, Purifoy, Quarles, Ramsay, Rather, Rousseau, Sayre, Scott, Screws, Simmons, Snaw, Smith of Dallas, Smith of Russell, Sparkman, Steele, Sullivan, Townsend of Limestone, Townsend of Pike, Tucker of Crenshaw, Tucker of Lauderdale, Wade, Waters, Webb, Whatley, White, Wood, Wilson, Young.—89.

The speaker of the house of representatives then announced that Mr. A. H. Carmichael had received 118 votes, the entire vote cast, and he declared him duly and legally elected solicitor of the district court of the counties of Colbert and Lawrence for the term prescribed by law.

The joint convention was then dissolved, and the senate returned to its chamber, and resumed the regular order of business,

* REPORT OF COMMITTEE OF CONFERENCE.

Mr. Handley, from a committee of conference, submitted the following report-

Mr. President .

The committee of conference on the disagreeing vote of the two houses on H. 481, beg leave to report that they have had the same under consideration and agree as follows, viz :

That the senate recede from all its several amendments,

Respectfully submitted,

W. A. HANDLEY,

J. W. INZER,

I. H. PARKS,

Managers on part of senate.

WM. SMAW,

W. BREWER,

R. T. BLACKWELL,

The foregoing report was concurred in—yeas 21, nays 0.

Yeas—Mr. Prdsident, Bradley, Berry, Compton, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Stansel, Williams—21.

UNFINISHED BUSINESS.

The bill,

H. 308. To finally dispose of lands which have been sold for its taxes and bid in for the state,

Was taken up.

Mr. Cowan offered an amendment.

Mr. Parks offered a substitute for the amendment which was adopted.

On motion of Mr. Bloch, the bill with sundry proposed amendments was recommitted to the committee on finance.

BILLS ON THIRD READING.

The bill,

H. 628. To authorize the mayor and aldermen of the city of Girard to establish a system of public schools in said city,

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Waddell, Wiley, Williams—26.

The bill,

H. 945. To amend sections 7, 10 and 20 of an act entitled an act to create a new charter for the city of Florence, Alabama, approved February 28th, 1889,

Was, on motion of Mr. Haralson, taken up, and re-committed to the committee on local legislation.

The bill,

H. 443. To amend an act entitled an act to establish a new charter for the town of Attalla, approved February 28th, 1889,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds,

Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel—24.

The bill,

H. 1039. To regulate the bonded indebtedness of Pickens and Tallapoosa counties,

Was taken up.

Mr. Stansel offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Cowan, Compton, Davie, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Stallworth, Stansel—19.

The bill,

H. 846. For the disposition of certain swamp and overflowed lands, and swamp and overflowed indemnity lands, belonging to the state, and to provide for the appropriation of the moneys arising therefrom,

Was taken up, and, on motion of Mr. Cowan, was indefinitely postponed.

Mr. Cowan moved to reconsider said vote and to lay that motion on the table, and the motion to table prevailed.

The bill,

H. 1053. To regulate the trial of misdemeanors in St. Clair county,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Compton, Davie, Downey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell—25.

The bill,

H. 748. To incorporate the Southern Steel Company,

Was taken up.

Mr. Milner offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—26.

The bill,

H. 655. To define and regulate the liability of persons, partnerships and corporations operating in the county of

Escambia, ditches or canals for the purpose of floating logs or timber therein,

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—27.

The bill,

II. 829. To amend an act entitled an act to define and prescribe a lawful fence in certain portions of the county of Madison, approved February 28th, 1889,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Lackey, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams—25.

The bill,

II. 20. To prevent the keeping of cock-pits and publicly fighting cocks in the state of Alabama,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell, Williams—25.

The bill,

II. 971. Concerning the organization and perpetuity of a voluntary association to be known as the order of Columbia, a secret society, having a secret ritual, and providing laws for governing the same,

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Minge, Nesmith, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—22.

The bill,

II. 545. To require the commissioners court of Jefferson county to pay for assistance to the solicitor for said county in

suppressing crime, out of certain funds in the county treasury.

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Milner, Minge, Nesmith, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Wiley—23.

The bill,

II. 558. To confer certain powers, rights and privileges in the state of Alabama upon the Atlanta and Birmingham Railroad Company, a corporation chartered under and by virtue of the laws of the state of Georgia,

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Williams—26.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house, having signed the following bills, your signature thereto is requested :

II. 341. To amend an act to establish a charter for the city of Troy, in Pike county ;

II. 331. To ratify and confirm the organization of the Birmingham and Atlantic Railroad Company, and to confirm and amend the charter thereof ;

II. 842. To prevent stock from running at large in the several beats or parts of beats in Cherokee county ; to authorize elections thereon, and to provide for building and maintaining fences and gates ;

H. 362. To authorize the payment of account of the Brown Printing Company ;

H. 518. To regulate trials by juries in the county court of Clarke county ;

II. 890. To ratify and confirm the subscription to and organization and incorporation of the Gulf Coke and Coal Company, and to enlarge the powers of said company ;

II. 907. To reimburse C. J. Ross, sheriff of Pike county, for expenses incurred by him in going to Florida and removing one John Blue, a prisoner, from jail in Tallahassee, Florida, to Troy jail in Pike county, and for expenses in capturing one Johnson Ellis, charged with murder, who was tried and convicted, and is now serving a life sentence in the penitentiary of this state;

II. 1028. To pay for articles purchased for the use of the senate and house of representatives, and for repairing the senate chamber and the hall of the house of representatives, and for repairing and furnishing the rooms of the engrossing and enrolling clerks of the house of representatives;

II. 953. For the relief of Gay, Hardie & Co.;

II. 686. To amend an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, within one-half mile of the City Mission church and the Corinthian Baptist church in Mobile county, and other places named therein, and known as the "Omnibus Liquor Bill," approved December 10th, 1890;

II. 752. To protect the public property at Hayneville;

II. 868. To divest the title, interest and estate of the state of Alabama of certain land in Talladega county, and invest the same in Drusilla Lawler;

II. 1056. To provide clerical assistance for the supreme court;

II. 596. To legalize the marriage of William H. Bottom and Mary C. Bottom, the widow of John Bottom, deceased;

II. 316. To declare Clarke Frizzle and W. C. Frizzle, liners between the counties of Bullock and Montgomery, citizens of Montgomery county;

II. 128. To amend section 4301 of the code;

II. 254. To amend section 4429 of the code of Alabama;

II. 649. To refund to William Mastin of Elmore county, \$31.75-100 wrongfully paid by him as taxes to the state.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has passed the following senate bills :

- s. 90. For the relief of C. D. Martin, and others ;
- s. 250. To prevent stock from running at large in certain parts of Roanoke beat No. 10, in Randolph county ;
- s. 1170. To establish the city court of Gadsden ;
- s. 283. To establish a new charter for the town of Carrollton ;
- s. 114. To incorporate the "Alabama, Florida and Mississippi Railroad Company," and to further the construction of the said railroad ;

And has amended and passed, the following bills, viz :

s. 200. To regulate the planting and taking of oysters from the waters of Alabama ;

s. 263. To provide for the refunding of taxes improperly paid ;

s. 423. To fix the time of holding the circuit courts in the counties of Randolph and Bibb, in the fifth judicial circuit of the state of Alabama ;

s. 382. For the relief of persons who have paid for and taken out a liquor license for the year 1891, improperly ;

And has concurred in the senate amendment to the bills :

II. 760. To establish a charter for the town of Albertville, in Marshall county, Alabama ;

II. 1039. To regulate the bonded indebtedness of Pickens and Tallapoosa counties ;

II. 545. To require the commissioners court of Jefferson county, to pay for assistance to the solicitor for said county, in suppressing crimes, out of certain funds in the county treasury ;

II. 971. Concerning the organization and perpetuity of a voluntary association to be known as the Order of Columbia, a secret society, having a secret ritual, and providing laws for governing the same ;

And accedes to the senate request for a committee of conference on the house amendments to the bill

s. 88. To prohibit the selling, giving away or otherwise disposing of alcoholic liquors within three miles of Hebron Baptist church, in Pickens county ;

Committee on part of the house, Messrs. Brown, Northington and Blackwell.

And has concurred in the conference report on
 II. 481. To provide for the support of the indigent soldiers
 and sailors of the late Confederate States army and navy, who
 are now bona fide citizens of Greene, Limestone, Elmore, Lee,
 Franklin, Hale, Wilcox and Barbour counties, Alabama ;

Also,

By unanimous consent the bill having been recalled from
 the governor, the votes by which

s. 406. For the relief of James E. Kennedy, sheriff of Dal-
 las county,

Was passed and ordered to a third reading, were recon-
 sidered, and the house amendment heretofore made was with-
 drawn, and the bill passed.

BENJ. F. ELMORE,
 Clerk.

PRIVILEGED QUESTION.

On motion of Mr. Compton, the senate reconsidered the
 vote by which it concurred in the house amendment to the
 bill,

s. 406. For the relief of James E. Kennedy, sheriff of Dal-
 las county.

The senate then non-concurred in said amendment.

HOUSE MESSAGES.

On motion of Mr. Handley, the senate non-concurred in the
 house amendment to the senate bill, s. 200 set out in the fore-
 going house message.

The senate concurred in the house amendment to the senate
 bill 263, set out in the foregoing house message—yeas 29,
 nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Comp-
 ton, Davie, Godfrey, Handley, Haralson, Harris of Hale, Har-
 ris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Nesmith,
 Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of
 Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—29.

The senate concurred in the house amendment to the senate
 bill 423, set out in the forgoing house message—yeas 24,
 nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Comp-
 ton, Davie, Downey, Handley, Haralson, Hayes, Hundley,

Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Antauga, Smith of Mobile, Stallworth, Wiley, Williams—24.

The senate concurred in the house amendment to the senate bill 382, set out in the foregoing house message—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handldy, Harris of Lee, Hayes, Hundley, Minge, Parker, Parks, Reynolds, Skeggs, Stallworth, Stansel, Wiley, Williams—23.

REPORT OF COMMITTEE.

Mr. Handley, from the committee on finance, reported favorably, with amendments.

The bill,

H. 308. To finally dispose of land sold for taxes and bid in for the state.

RECESS.

And pending the consideration of said bill, at one o'clock p. m., the senate took a recess, till three o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at four o'clock p. m., and proceeded to consider

SPECIAL ORDER.

Which was the bill,

H. 1020. To establish and provide for the maintenance of a quarantine by improved methods, against the introduction of yellow fever and other infectious and contagious diseases into the state of Alabama,

And the adverse report was non-concurred in.

Mr. Williams offered an amendment, which, on motion of Mr. Hayes, was laid on the table.

Mr. Davie offered an amendment, as follows, viz :

Add "provided, that nothing in this act shall be so construed as to take away from the Mobile board of health any of the powers, or duties in regard to the actual administration of quarantine devolved upon said board of health by the existing quarantine and health laws of this state."

Mr. Milner moved to lay the amendment on the table.

Lost—yeas 11, nays 15.

Yeas—Mr. Bloch, Godfrey, Handley, Harris of Hale, Lackey, Milner, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth—11.

Nays—Mr. Bradley, Berry, Compton, Davie, Downey, Grant, Haralson, Harris of Lee, Hundley, Minge, Nesmith, Reynolds, Skeggs, Stansel, Wiley—15.

Mr. Hundley offered an amendment, as follows:

Insert between the words, "duties," and "in" the words, "not in conflict with the provisions of this act."

Mr. Davie moved to lay the amendment on the table.

Lost—yeas 13, nays 16.

Yeas—Mr. Bradley, Berry, Cowan, Davie, Downey, Harris of Lee, Minge, Reynolds, Skeggs, Stansel, Steagall, Wiley, Williams—13.

Nays—Mr. President, Bloch, Compton, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Lackey, Milner, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth—16.

Mr. Williams moved to indefinitely postpone the bill.

Lost—yeas 12, nays 17.

Yeas—Mr. Bradley, Berry, Davie, Downey, Haralson, Harris of Lee, Minge, Nesmith, Reynolds, Skeggs, Steagall, Williams—12.

Nays—Mr. President, Bloch, Compton, Grant, Godfrey, Handley, Harris of Hale, Hundley, Lackey, Milner, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley—17.

The amendment to the amendment was adopted.

The amendment was adopted.

The bill was ordered to a third reading.

Mr. Stallworth moved to reconsider the vote by which the bill was ordered to a third reading.

Mr. Hundley moved to lay said motion on the table.

Carried.

The bill was read a third time and passed—yeas 23, nays 7.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton,

Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Laekey, Milner, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—23.

Nays—Mr. Berry, Davie, Downey, Harris of Lee, Minge, Reynolds, Williams—7.

The bill,

II. 699. To provide for the election of a county treasurer of Macon county by the qualified voters thereof at the general election for the state and county officers in August, 1892,

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Laekey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—27.

REQUEST TO RETURN BILL.

Mr. Harris of Hale, offered a joint resolution, requesting the governor to return the house bill 658.

Adopted.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled, viz:

s. 388. To establish a charter for Alabama City, in Etowah county, Alabama;

s. 274. To legalize the marriage of James H. Hatley and Sarah A. Hatley, citizens of the county of Limestone, state of Alabama;

s. 90. For the relief of C. D. Martin and others;

s. 446. To amend section two of an act entitled an act to amend the charter of the "Stonewall Insurance Company, of Mobile, and extend the provisions thereof," approved February 17th, 1885;

s. 344. To incorporate the Mobile Transportation Company, and define the powers of said company.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested :

H. 891. To incorporate the Alabama, Florida and Chattanooga Railway Company ;

H. 886. To constitute a separate school district, to be known as the Flint School District, in the county of Morgan and state of Alabama, and for the appointment of a board of trustees therefor, and a levy of special tax ;

H. 707. To incorporate the town of Springville, with the boundaries hereinafter designated, and to establish a new charter for said town ;

H. 357. To prohibit the payment or allowance of claims against the estates of decedents, which have been barred by the statute of limitation in the life of such decedent ;

H. 256. To amend section one of an act to prohibit the sale or giving away of spirituous or vinous liquors within one mile of Spring Hill church in Pike county, Alabama, approved February 25th, 1875 :

H. 700. To create and establish a new beat in Lee county, Alabama, to be known and designated as Beat No. 14, in said county, having as a precinct or voting place, Smith's Station ;

H. 538. To appropriate the sum of ten thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof :

H. 622. To amend sections 4068 and 4069 of the code of Alabama ;

H. 601. To make an appropriation for the expenses of encampments of Alabama State Troops, for the years 1891 and 1892 :

H. 497. To authorize the corporate authorities of the city or Gadsden, to release and surrender the option of the city of Gadsden to redeem the bonds that have been issued by the said corporate authorities, known and designated as "Sanitary Bonds," and to authorize said corporate authorities to issue the remainder of the one hundred thousand dollars of said bonds authorized by act of the general assembly of Alabama, approved February 28th, 1887, and also by act amendatory thereof, approved February 28th, 1889, to run no longer than thirty years, approved February 18, 1889 :

- ii. 684. To amend section 4887 (4927) (4459) of the code, so far as the same relates to Sumter county;
- ii. 1066. To incorporate the Evergreen Industrial Normal School;
- ii. 226. To amend an act in relation to the trials of misdemeanors in Tuscaloosa and other counties therein named, in so far as the same relates to Tuscaloosa county;
- ii. 69. To amend the charter of the city of Uniontown, county of Perry, state of Alabama;
- ii. 310. To allow appeals to the supreme court from decisions of the city and circuit courts in this state, granting or refusing to grant motions for new trials;
- ii. 1084. To authorize the commissioners of the "Huntsville State Colored Normal and Industrial School" to sell the real property of the school located on Clinton street in the city of Huntsville, Alabama, and reinvest the proceeds of such sale in real estate in or near the city of Huntsville, Alabama;
- ii. 1069. To authorize the board of mayor and aldermen of the town of Dothan to negotiate a loan for the purpose of improving, grading and draining the streets, avenues and alleys of said town, establishing water works, fire department, electric light plant, and the payment of the town's indebtedness, and for other various improvements of said town;
- ii. 491. To prevent hogs from running at large in certain portions of Madison county;
- ii. 844. To amend an act entitled an act to prevent stock from running at large in several beats in Tallapoosa and Coosa counties, and to authorize an election thereon, approved February 26th, 1887;
- ii. 754. To confirm, ratify and amend the charter of the Gurleys and Paint Rock Valley Railroad Company;
- ii. 401. To provide for the more efficient working, keeping up, repairing and improving the public roads and bridges, and opening and making new public roads and bridges in the county of Morgan; to locate, construct and build within the limits of the county, a system of public roads of a superior grade, to be known and designated as "county roads;"
- ii. 1092. To authorize the town of Dothan to levy and collect license taxes upon professions, occupations, vocations and businesses practiced or engaged in within said town;
- ii. 1068. To regulate the fine and forfeiture fund in Tallapoosa county, Alabama;
- ii. 552. To provide a new charter for the town of Russellville;

H. 944. To prescribe and regulate the purchase of supplies for the several county offices, court house, jail, alms house and convict camp of Jefferson county.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing house message and report of enrolled bills.

REPORT OF JOINT COMMITTEE.

Mr. Godfrey, from a joint committee, submitted the following report :

The joint committee of the senate and house to enquire into the propriety of a reconsideration of the matter of final adjournment of the general assembly of Alabama, ask leave to report, in their opinion,

That the recess of one day hitherto advised is sufficient, and that the final adjournment take place at the time indicated.

S. S. SCOOT,

A. M. AVERY,

W. W. QUARLES.

Committee on part of the house.

L. D. GODFREY,

J. C. COMPTON,

Committee on part of the senate.

The report was concurred in.

REQUEST TO RETURN BILLS.

On motion of Mr. Haralson, the house was requested to return the house bill 681.

On motion of Mr. Harris of Hale, the house was requested to return the house bill 658.

REPORT OF COMMITTEE.

Mr. Haralson, from the committee on local legislation, reported favorably, with an amendment, the bill,

H. 945. To amend sections 7, 20 and 36 of an act entitled an act to create a new charter for the city of Florence, Alabama, approved February 28, 1889;
Which was ordered to be placed on the calendar.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has passed the following bills :

s. 194. For the relief of W. L. Rowe, sheriff of Tallapoosa county;

s. 300. To incorporate the town of River Falls, in Covington county, Alabama, and to authorize it to cut a canal and issue bonds for certain purposes;

s. 454. To authorize the mayor and council of Dadeville to issue bonds of said city for an amount not exceeding five thousand dollars for the purpose of purchasing a lot in said city and improving school buildings thereon;

s. 110. To amend sections 19 and 20 of the code of Alabama of 1886;

s. 154. To amend section 3216 of the code;

s. 487. To incorporate the Alabama Iron and Steel Company;

And has concurred in the report of the conference committee on

s. 88. The omnibus prohibition bill, and requests the return of senate bill 219.

B. F. ELMORE,
Clerk.

PRIVILEGED QUESTION.

Mr. Stallworth arose to a question of privilege, and moved to reconsider the vote by which the senate concurred in the report of the committee of conference on the house amendment to the bill,

s. 219. To amend the charter of the city of Greenville and the various acts amendatory thereof,

And the motion to reconsider prevailed.

On motion of Mr. Stallworth the committee of conference was permitted to withdraw said report, and the secretary was directed to return said bill to the house as requested.

BILLS ON THIRD READING.

The bill,

H. 711. To establish the Sylvan Agricultural district, to authorize the erection of an outside fence and to dispense with inside fences, and to levy taxes to erect said fence and to defray all the current expenses of said district,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Haralson, Harris of Hale, Harris of Lee, Hundley, Lackey, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—23.

The bill,

H. 309. To fix the compensation of the sheriff of Calloun county for ex-officio services,

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—27.

The bill,

H. 826. To change the name of the Ashland Educational Company and to grant additional powers.

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Milner, Minge, Nesmith, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—25.

MESSAGE FROM THE HOUSE.

Mr. President :

The house, at the request of the senate, returns house bill 658 and house bill 681.

And has concurred in the report of the committee of conference on the bill,

S. 354. To better provide for the establishment and working the public roads in this state ;

And has amended and passed the following bills :

S. 58. To amend the charter of the city of Montgomery and the various acts amendatory thereof :

s. 471. To require the money paid by all persons for state and county license in Walker county, to retail liquor in the year 1889, to be refunded to such persons or their legal representatives where the use of such licenses was prevented by prohibitory acts of the legislature;

s. 445. To loan and appropriate the two and three per cent. fund now in the treasury;

And the house insists on its amendment to

s. 200. To regulate the planting and taking of oysters in the waters of Alabama;

And requests a committee of conference thereon.

Committee on the part of the house: Messrs. Lewis, Brewer and Foster;

And has concurred in the senate amendment to

ii. 1020. To establish and provide for the maintenance of a quarantine by improved methods against the introduction of yellow fever and other infectious or contagious diseases in the state of Alabama;

And has passed the bills,

s. 241. To authorize and empower the mayor and aldermen of the city of Huntsville to improve and repair the sidewalks of the city of Huntsville, Alabama, at the cost of parties whose property abuts such sidewalks;

s. 259. To relieve George T. Preer of Lee county, Alabama, of the disabilities of non-age;

s. 239. To incorporate Blount College, in Blount county, Alabama;

s. 323. To extend the police power and jurisdiction of the city of Birmingham over and about the Fair Grounds, in the vicinity of said city, in the county of Jefferson, known as the Fair Grounds of the Birmingham Fair Association, and to empower the corporate authorities of said city to authorize, regulate and license any business on said Fair Grounds, during the holding of any fair, exposition or races that may now be authorized, regulated or licensed by said city, within the corporate limits thereof;

s. 455. To create a separate school district in the county of St. Clair, to be called Cook's Springs public school district, and to define the boundaries thereof;

s. 378. To incorporate the Montgomery Loan and Trust Company;

s. 297. To grant certain rights of way to the Montgomery and Sylacauga Railroad Company;

s. 405. To amend sections 3, 4, 7, 8, 11, 12 and 13 of an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved January 10th, 1879 ;

s. 490. To establish an industrial school in the state of Alabama for the destitute children descendants of Confederate soldiers and sailors.

BENJ. F. ELMORE,
Clerk.

• HOUSE MESSAGES.

On motion of Mr. Wiley, the senate non-concurred in the house amendment to the senate bill 58, set out in the foregoing house message.

The senate concurred in the house amendment to the senate bill 471, set out in the foregoing house message.

Yeas 30, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Haris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—30.

The senate concurred in the house amendment to the senate bill 445, set out in the foregoing house message.

Yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Downey, Grant, Handley, Haralson, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Stansel, Steagall, Wiley—21.

The senate acceded to the report of the house for a committee of conference on the senate bill 200, set out in the foregoing house message, and the president appointed on said committee Messrs. Handley, Williams and Nesmith.

REPORT OF CONFERENCE COMMITTEE.

Mr. Cowan, from a committee of conference, submitted the following report :

Mr. President :

The conference committee to whom was referred the disagreement between the two houses on the amendments made

by the house to senate bill 88, have had the same under consideration and recommend :

1. That the house recede from its amendment which includes "Sanderson's chapel, in Lawrence county, or within two miles thereof."

2. To amend the bill by including the following: Or within two miles of Soule Chapel M. E. church south, in Preston beat, Sumter county.

3. Amend as follows: Provided, that the prohibition as to Oak Grove and Emory Chapel churches in Pickens county, shall not take effect until July, 1891.

4. Amend by striking out the words, "within four miles of the Bullock Baptist church, in Crenshaw county," and insert "within two (2) miles of Mount Zion Baptist church in beat No. 10, in Crenshaw county."

H. H. BROWN,
R. T. BLACKWELL,
G. A. NORTHINGTON,
House Committee.

J. R. COWAN,
W. A. HANDLEY,
W. W. NESMITH,
Senate Committee.

The report of the conference committee was concurred in.

Yeas 20, nays 1.

Yeas—Mr. President, Bradley, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Autauga, Stansel—20.

Mr. Skeggs voted no.

PRIVILEGED QUESTION.

Mr. Harris of Hale arose to a question of privilege and moved to reconsider the vote on the passage of the bill, n. 658. To amend the charter of the town of Greensboro, Alabama, and the acts amending the same.

The motion to reconsider prevailed.

On motion of Mr. Harris of Hale, the senate, also, reconsidered the vote ordering the bill to a third reading.

Mr. Harris of Hale offered an amendment, which was adopted.

The bill was then read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Downey, Grant, Godfrey, Harris of Hale, Hayes, Lackey, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Wiley, Williams—18.

On motion of Mr. Haralson, the senate reconsidered the vote on the passage of the bill,

H. 681. To incorporate the town of Seddon, in St. Clair county, and to establish a charter for the government thereof;

And, also, reconsidered the vote ordering the bill to a third reading.

Mr. Haralson offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Harris of Lee, Hayes, Lackey, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Wiley, Williams—19.

RECESS.

At 6 o'clock p. m., the senate took a recess, till 7:30 o'clock p. m.

EVENING SESSION.

The senate re-assembled at 7:30 o'clock p. m.;
A quorum present.

BILLS ON THIRD READING.

The bill,

H. 840. To authorize the mayor and board of aldermen of the town of Eutaw to pass an ordinance requiring temporary merchants, doing business in said town, to first take out a license therefor,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Stansel—20.

The bill,

ii. 810. To amend section two of an act to incorporate the Anniston Loan and Trust Company of Anniston, Alabama, approved February 28th, 1889,

Was read a third time and passed—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Lackey, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley—25.

The bill,

ii. 763. To amend sections 1 and 2 of an act entitled an act, to preserve order at the Asberry Camp Ground, in the county of Monroe, and at Spring Hill Camp Ground, in Butler county, and at Pottersville and Ramage Spring Camp Ground, in Pike county, and at Tabernacle and Andrew's Chapel Camp Ground, in the county of Pickens,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Hundley, Lackey, Minge, Parker, Parks, Reynolds, Skeggs, Stansel—22.

The bill,

ii. 997. To ratify and confirm the charter and incorporation of the Talladega Gas Light and Water Company and the acts done thereunder,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—23.

The bill,

ii. 665. To incorporate the Birmingham Investment and Security Company,

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—23.

The bill,

ii. 376. To create a separate school district of certain fractional townships in Dallas county.

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—22.

The bill,

n. 979. To amend the preamble and section 1 of an act to prescribe the civil jurisdiction, and regulate the practice in civil cases in the city court of Mobile, approved December 12, 1888,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—22.

The bill,

n. 749. To increase, enlarge, extend, confirm, establish and ratify the charter and corporate powers of Crear's Normal College of Lamar county, Alabama,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Laekey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Stansel—23.

The bill,

n. 852. To authorize Mary E. Churchwell, widow of David Churchwell, deceased, to sell land at private sale, belonging to the estate of said David Churchwell, deceased,

Was read a third time and passed—yeas 16, nays 1.

Yeas—Mr. Berry, Bloch, Compton, Handley, Haralson, Harris of Lee, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—16.

Mr. President voted no.

The bill,

n. 693. To authorize the commissioners court of Covington county to set aside a special tax for the pay of grand and petit juries in said county,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—22.

The bill,

n. 244. To allow the constable of beat No. 36, in Dallas

county, the constables in and of beats 9, 21 and 37, in Jefferson county, and 1 and 4 in Henry county, Alabama, to appoint deputies,

Was taken up.

Mr. Milner moved to amend by striking out Jefferson county from the provisions of the bill.

Agreed to.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Minge, Parks, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—20.

The bill,

ii. 761. To exempt the secretary of the chamber of commerce of the city of Mobile from jury duty,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—18.

The bill,

ii. 510. To establish a uniform series of standard school books to be used in the free public schools in Marshall county,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—21.

The bill,

ii. 714. To provide for a re-registration of all claims against the fine and forfeiture fund of Franklin county,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—21.

The bill,

ii. 477. To confirm, amend and enlarge the charter of the trustees of the Hospital of United Charities of Birmingham, Alabama, and to confer additional powers on said corporation.

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Mil-

ner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—21.

The bill,

ii. 651. To provide for the protection and preservation of game animals and birds in Fayette county,

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—27.

The bill,

ii. 827. For the relief of R. S. Gray, of Clay county,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Nesmith, Parker, Skeggs, Smith of Mobile, Wiley, Williams—19.

The bill,

ii. 641. To validate the bonds issued by the corporate authorities of the city of Anniston, bearing date June 1st, 1887,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—23.

The bill,

ii. 959. To provide for the incorporation of the town of Eastlake, in the county of Jefferson, and to define the powers of such corporation,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Bowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Milner, Minge, Nesmith, Parks, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—23.

The bill,

ii. 949. To authorize and empower the board of trustees of the Scottsboro College and Normal School to sell and convey the property and franchises of said institution,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Lee,

Hayes, Minge, Nesmith, Parks, Smith of Mobile, Stallworth, Wiley, Williams—19.

The bill,

H. 958. To incorporate the East Lake Water and Electric Company and to confer upon said company certain corporate powers,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Milner, Nesmith, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—23.

The bill,

H. 422. To authorize the mayor and councilmen of the town of Avondale, to issue bonds of said town for an amount not exceeding fifteen thousand dollars for the purpose of building a school house, paying floating debt of said town, improving the streets, constructing sewers, and making other permanent improvements in said town, and in buying a lot and building a school house for colored school,

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—28.

The bill,

H. 931. To equalize the disbursement of the school fund in Clay county, Alabama,

Was read a third time and passed—yeas 28, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—28.

The bill,

H. 520. To amend an act entitled an act for the preservation of game animals, birds and fish in Macon county, approved February 11, 1889,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stansel, Wiley, Williams—23.

The bill,

H. 470. To amend an act entitled "an act for the preservation of game animals and birds in the counties of Tuskaloosa and Calhoun," approved February 27, 1889, so far as the same applies to Tuskaloosa county, Crenshaw county, Lee county and Calhoun county,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—22.

REQUEST TO RETURN BILL.

On motion of Mr. Grant, the house was requested to return the house bill 309.

BILLS ON THIRD READING.

The bill,

H. 665. To incorporate the Birmingham Investment and Security Company,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stansel, Wiley, Williams—21.

The bill,

H. 997. To ratify and confirm the charter and incorporation of the Talladega Gas, Light and Water Company, and the acts done thereunder,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Hayes, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stansel, Wiley, Williams—20.

The bill,

H. 857. To amend section 2 of an act to amend an act entitled an act to create a separate school district in Jackson county, to be known as Pleasant Grove, out of a part of township 5, range 6, east, approved February 15th, 1889.

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—26.

The bill,

ii. 821. To repeal section 1 of an act entitled an act to prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters, or cordials, or fruits preserved in alcoholic liquors within five miles of Village Springs Academy, Blount county, and other places therein named and known as the "Omnibus Bill," approved December 10th, 1888, so far as the same relates to Corinth church, beat 15, township 12, range 13, and the town of Guin, in Marion county,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—24.

The bill,

ii. 991. To create a separate school district in the city of Florence, Alabama, to define the boundaries thereof and provide for the maintenance of the schools.

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Berry, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Handley, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—23.

The bill,

ii. 702. To regulate the granting of licenses to sell vinous or spirituous liquors in the county of Marshall, state of Alabama,

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—26.

The bill,

ii. 986. To amend section 2 of an act entitled an act to establish a new charter for the city of Talladega, approved February 28th, 1887.

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Wiley, Williams—21.

The bill,

II. 1010. For the payment of five coupons of class A bonds destroyed by fire,

Was read a third time and passed—yeas 26, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—26.

The bill,

II. 1004. To amend sections 1 and 2 of an act entitled an act for the preservation of game animals and birds in the counties of Sumter and Chilton, approved February 23rd, 1887, so far as the same relates to Sumter county.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley—18.

The bill,

II. 670. To remove the disabilities of non-age of John S. Pollard, minor,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Nesmith, Parker, Skeggs, Smith of Mobile, Stallworth, Wiley—19.

The bill,

II. 1036. To provide for the disposition of the cases now in the inferior court of Cullman county,

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—27.

The bill,

n. 1054. For the relief of F. M. Harrison, T. D. Hendricks, R. F. Grimes, W. J. Flemming, William King, J. B. Lolley, Sarah Barbaree, Luke Farmer, S. Spurlock, P. G. Simmons and J. W. Carroll, settlers on the public lands of the state, in Coffee county,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley—21.

The bill,

n. 825. For the relief of the estate of Mary W. Hunter,
Was read a third time and passed—yeas 21, nays 1.

Yeas—Mr. Bradley, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley—21.

Mr. President voted no.

The bill,

n. 625. To relieve Thomas W. Oliver, junior, of Montgomery county, Alabama, of the disabilities of non-age,

Was read a third time and passed—yeas 17, nays 1.

Yeas—Mr. Bradley, Berry, Compton, Davie, Godfrey, Haralson, Harris of Lee, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley—17.

Mr. President voted no.

The bill,

n. 874. To incorporate the Corning Land Industrial and Trust Company.

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Lackey, Nesmith, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—22.

The bill,

n. 483. To repeal an act entitled an act to authorize and require the commissioners court of Crenshaw county to dispose of moneys arising from fines, forfeitures and convict labor, approved February 4th, 1889.

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey,

Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley—20.

The bill,

ii. 923. To amend section one of an act, approved January 16, 1879, and entitled an act to amend an act entitled an act to amend section 12 of an act to establish a new charter for the town of Union Springs, Alabama, approved February 1st, 1876,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Nesmith, Parks, Smith of Mobile, Stallworth, Stansel, Wiley—18.

The bill,

ii. 526. To declare William H. Betts, Luke Coley, A. D. McNeil, William Lane, Jordan Mc. Crawford and B. T. Johnson of the county of Conecuh, citizens of Monroe county,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Milner, Nesmith, Parker, Parks, Skeggs, Stallworth, Stansel, Wiley, Williams—24.

The bill,

ii. 11. To establish a separate school district in Dale county to be known as Deans school district,

Was taken up.

The pending substitute was adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Minge, Nesmith, Parker, Parks, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley—23.

The bill,

ii. 988. To authorize and empower the court of county commissioners of the county of Monroe to levy and collect a tax on all dogs owned or kept in said county,

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 21, nays 1.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Lackey, Milner, Parks, Skeggs, Stallworth, Stansel, Wiley—21.

Mr. Parker voted no.

The bill,

ii. 293. To change the time of taking up the criminal docket in the circuit court of Marion county,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Handley, Haralson, Harris of Lee, Hundley, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—22.

The bill,

ii. 837. To make the fees of bonded constables in the county of Choctaw the same as sheriffs, when they perform the same or similar services.

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Wiley, Williams—27.

The bill,

ii. 514. To permit the proprietor of Shelby Springs to sell spirituous, vinous or malt liquors on his premises during the summer,

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 18, nays 6.

Yeas—Mr. Berry, Bloch, Compton, Downey, Grant, Hayes, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—18.

Nays—Mr. President, Cowan, Godfrey, Handley, Harris of Lee, Hundley—6.

REPORT OF CONFERENCE COMMITTEE.

Mr. Williams, from a committee of conference, submitted the following report :

Mr. President:

Your committee of conference on the disagreement of the two houses to house amendment to senate bill 200, have had the matter under consideration, and beg leave to report as follows:

We recommend that the senate concur in the house amendment.

DAN. WILLIAMS,
W. W. NESMITH,
Committee on part of the senate.
W. S. LEWIS,
W. BREWER,
J. M. FOSTER,
Committee on part of the house.

Mr. Handley moved to non-concur in the report of the conference committee.

Agreed to.

On motion of Mr. Wiley, the committee of conference was discharged, and a new committee requested thereon.

The President appointed on said committee, Messrs. Wiley, Handley and Williams.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has passed the following bills :

s. 461. To ratify the consolidation of the Mobile and Mississippi River Railroad Company with the Mississippi River and Mexican Gulf Railroad Company, under the name of the Mobile, Wesson and Mississippi River Railroad Company ;

s. 369. To require the county treasurer of Winston county to register all claims against the county which have not heretofore been registered as required by law ;

s. 456. To increase the fees of justices of the peace and notaries public having like powers in the county of Autauga ;

s. 458. To authorize railroad companies, chartered under the laws of the state of Alabama, whose capital stock is owned by a railroad corporation, chartered under the laws of another state, to sell to such corporation owning its stock, all of its property, road bed, rights and franchises ;

s. 463. To prohibit justices of the peace and notaries public with the jurisdiction of justices of the peace from sentencing defendants to hard labor for costs ;

s. 237. To amend certain sections of the charter of the town of Oxford, and to give said town of Oxford power to issue bonds ;

And has concurred in the report of the committee of conference on the bill.

H. 598. To prevent hunting on land without consent of owner, or his agent, in Dallas, Madison, Concanh, Wilcox, Autauga and Sumter counties;

And has non-concurred in the conference report on
S. 200. To regulate the planting and taking of oysters from the waters of Alabama;

And discharged the committee and appointed a new committee composed of Messrs. Kelly, Brown and Long;

And has concurred in the senate amendment to the bills,
H. 514. To permit the proprietor of Shelby Springs to sell spirituous, vinous or malt liquors on his premises during the summer;

H. 11. To establish a separate school district in Dale county to be known as Dean's School District;

H. 681. To incorporate the town of Seddon, in St. Clair county, and to establish a charter for the government thereof;

And by request of the senate, returns to the senate, house bill 309.

BENJ. F. ELMORE,
Clerk.

PRIVILEGED QUESTION.

By unanimous consent, Mr. Grant arose to a question of privilege, and moved to reconsider the vote by which the senate passed the bill,

H. 309. To fix the compensation of the sheriff of Calhoun county for ex-officio services.

The motion to reconsider prevailed.

Mr. Grant moved to reconsider the vote by which the senate ordered said bill to a third reading.

Agreed to.

Mr. Grant offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—22.

REPORT OF COMMITTEE OF CONFERENCE.

Mr. Wiley, from a committee of conference, submitted the following report:

Mr. President:

Your committee of conference on the disagreement of the

two houses, to house amendment to senate bill No. 200, have had the matter under consideration and beg leave to report the following amendment to said house amendment, viz :

Strike out the word "five" where the same occurs in said house amendment, and insert in lieu thereof the word "ten" and as thus amended do recommend the adoption of the house amendment.

A. A. WILEY,
DAN. WILLIAMS,
W. A. HANDLEY,
On part of senate.
W. B. KELLY,
H. H. BROWN,
T. L. LONG,
On part of house.

The foregoing report was concurred in—yeas 25, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—25.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in the report of the second committee of conference on the disagreement of the two houses on the bill,

s. 200. To regulate the planting and taking of oysters from the waters of Alabama;

And insists on its amendment to senate bill,

s. 58. To amend the charter of the city of Montgomery, and the various acts amendatory thereof;

And requests a committee of conference thereon.

Committee on part of the house, Messrs. Hill, Screws and Sayre.

And has concurred in the senate amendments to the following bills :

H. 748. To incorporate the Southern Steel Company ;

H. 681. To incorporate the town of Seddon, in St. Clair county, and establish a charter for the government thereof ;

H. 658. To amend the charter of the town of Greensboro, Alabama, and the acts amending the same ;

- And has passed the bills,
- s. 248. To establish and define the corporate limits of the city of Gadsden ;
- s. 389. To incorporate the Alabama Locomotive Company ;
- s. 262. To extend the corporate limits of the city of Montgomery, in the state of Alabama, and to provide for dividing said limits into wards ;
- s. 467. To amend an act to amend section 677 of the code of Alabama ;
- s. 289. To designate the officers at the penitentiary walls, to provide for their appointment, removal and compensation ;
- And has by unanimous consent reconsidered the vote by which it passed senate bill 24, and has amended as therein shown and as amended has passed the bill,
- s. 24. To protect chickens and other poultry on the premises in the night time ;
- And has reconsidered the vote by which it amended senate bill 36, and has passed without amendment the bill,
- s. 36. To make the office of commissioner of agriculture elective ;
- And has reconsidered the vote by which it concurred in the conference report on the differences of the two houses on the bill,
- s. 219. To amend the charter of the city of Greenville, and the various acts amendatory thereof ;
- And the conference report withdrawn, and has subsequently concurred in the second conference report on said senate bill 219.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The senate concurred in the house amendment to the senate bill 24, set out in the foregoing house message ;

Yeas 25, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stansel, Wiley, Williams—25.

On motion of Mr. Wiley, the senate acceded to the request of the house for a committee of conference on the senate bill

58, set out in the foregoing house message, and the president appointed as the committee on the part of the senate, Messrs. Wiley, Compton and Hundley.

REPORT OF COMMITTEE OF CONFERENCE.

Mr. Stallworth, from a committee of conference, submitted the following report :

Mr. President .

The joint committee of conference upon the disagreement of the two houses, upon the house amendment to senate bill 219, recommend the adoption of the house amendment to the bill.

LOUIS HARRELL,
S. W. WHITE,
J. V. SMITH,

Committee on part of house.

N. STALLWORTH,
L. W. GRANT,
JOHN W. INZER,

Committee on part of senate.

The foregoing report was concurred in—yeas 22, nays 1.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Hayes, Hundley, Lackey, Milner, Parker, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Wiley—22.

Mr. Nesmith voted no.

BILLS ON THIRD READING.

The bill,
H. 322. To incorporate Cleburne Institute, Edwardsville, Cleburne county, Alabama,

Was taken up.

Mr. Wiley offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 19, nays 2.

Yeas—Mr. President, Bradley, Berry, Bloch, Davie, Downey, Grant, Handley, Haralson, Harris of Lee, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Mobile, Wiley, Williams—19.

Messrs. Hundley and Stansel voted no.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in the conference report on the disagreement of the two houses on the house amendment to s. 200. To regulate the planting and taking of oysters in the waters of Alabama;

And has passed the bills,

s. 65. To provide for the assessment of state and county taxes on property within the corporate limits of the city of Anniston;

s. 48. To repeal section 3210, and to amend sections 3211, 3212, 3314, 3215, 3216 and 3217 of the code, relating to the condemnation of lands for public uses;

s. 403. To confirm the incorporation and organization of Gadsden and Attalla Union Railway Company;

s. 464. To incorporate the Alabama City Land and Improvement Company;

And has concurred in the senate amendment to the bill,

H. 309. To fix the compensation of the sheriff of Calhoun county for ex-officio services.

BENJ. F. ELMORE,
Clerk.

BILLS ON THIRD READING.

The bill,

H. 881. To declare certain lands in Greene county in this state, now belonging to T. U. Cobb, Mary Cobb, Mary E. Walker and Amenia O. J. Upchurch, a district in which stock shall be prevented from running at large, and to provide that the provisions of an act entitled an act to authorize the commissioners court of Greene county to establish districts in which stock may be prevented from running at large, approved February 17th, 1885, shall be applicable to said district,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—24.

The bill,

H. 743. To confirm the incorporation of the Shakespear

Club of Birmingham, Alabama, and the change of the name of said club to Alabama Club, and to enlarge the powers and capacities of said club,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Lee, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—24.

The bill,

H. 589. To declare "The Board of Education of the separate school district of the city of Tuscumbia" the successors in office of the Trustees of the Tuscumbia Male Academy, and to authorize said board of education to sell and convey certain real estate belonging to the Trustees of the Tuscumbia Male Academy for school purposes.

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Lee, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley—23.

The bill,

H. 235. To create a lien on live stock for the cost of pasturing the same,

Was read a third time and lost—yeas 9, nays 14.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Haralson, Hayes—9.

Nays—Mr. Davie, Godfrey, Handley, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel—14.

Mr. Skeggs moved to reconsider the vote by which the bill was lost.

Mr. Grant moved to lay the motion on the table.

Lost.

The motion to reconsider prevailed.

Mr. Haralson moved to reconsider the vote by which the bill was ordered to a third reading.

Carried.

Mr. Parker, offered an amendment, which was adopted.

Mr. Haralson offered an amendment, which was adopted.

On motion of Mr. Parks, the bill and amendments were laid on the table.

The bill,

H. 879. To further enlarge the powers, rights, franchises

and privileges of the East Birmingham Land and Railroad Company, a corporation having its principal place of business in the city of Birmingham in this state,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Handley, Haralson, Harris of Hale, Hayes, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—24.

The bill,

H. 689. To fix the compensation of county commissioners of Calhoun county, Alabama.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Milner, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley—18.

The bill,

H. 732. To establish three separate school districts in Cullman county, to be known as the Jones Chapel school district, the County Line school district, and the Good Hope school district, in Cullinan county, Alabama, and to provide for the election of a board of trustees for each of said school districts, with certain duties and powers,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Parks, Skeggs, Smith of Mobile, Stansel, Wiley—17.

The bill,

H. 999. To establish a charter for the city of Bridgeport,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Lackey, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley, Williams—21.

The bill,

H. 1005. To authorize the court of county commissioners of Jefferson county, to purchase claims against the fine and forfeiture fund of said county,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Wiley—19.

The bill,

H. 360. To amend section 1583 (2008) of the code of Alabama.

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Lackey, Milner, Parker, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—22.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills reported the following bills correctly enrolled :

s. 406. For the relief of James E. Kennedy, sheriff of Dallas county ;

s. 323. To extend the police power and jurisdiction of the city of Birmingham over and about the Fair Grounds, in the vicinity of said city, in the county of Jefferson, known as the Fair Grounds of the Birmingham Fair Association, and to empower the corporate authorities of said city to authorize, regulate and license any business on said Fair Grounds, during the holding of any fair, exposition or races that may now be authorized, regulated or licensed by said city, within the corporate limits thereof ;

s. 471. To require the money paid by all persons for state and county license in Walker county, to retail liquor in the year 1889, to be refunded to such persons or their legal representatives where the use of such licenses was prevented by prohibitory acts of the legislature ;

s. 219. To amend the charter of the city of Greenville, and the various acts amendatory thereof ;

s. 467. To amend an act to amend section 677 of the code of Alabama ;

s. 114. To incorporate the Alabama, Florida and Mississippi Railroad Company, and to further the construction of said railroad.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker having signed the following bills, your signature to the same is requested ;

H. 879. To further enlarge the powers, rights and franchises and privileges of the East Birmingham Land and Railroad Company, a corporation having its principal place of business in the city of Birmingham in this state;

H. 1020. To establish and provide for the maintenance of a quarantine by improved methods against the introduction of yellow fever and other infectious or contagious diseases in the state of Alabama;

H. 514. To permit the proprietor of Shelby Springs to sell spirituous, vinous or malt liquors on his premises during the summer;

H. 589. To declare "the board of education of the separate school district of the city of Tuscumbia," the successors in office of the trustees of the Tuscumbia Male Academy and to authorize said board of education to sell and convey certain real estate belonging to the trustees of the Tuscumbia Male Academy for school purposes.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing report of committee on enrolled bills and house message.

ADJOURNMENT.

At ten o'clock p. m., the senate adjourned.

FIFTIETH DAY.

WEDNESDAY, Feb. 18th, 1891.

The senate met pursuant to adjournment.

Prayer by the Rev. Dr. Burkhead of the city.

Present—Mr. President, Bradley, Berry, Bloch, Cowan.

Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Hale, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley, Williams.

The journal of yesterday was approved without being read.

REQUEST TO RETURN BILL.

On motion of Mr. Milner, the house was requested to return
H. 743.

On motion of Mr. Cowan, the house was requested to return
H. 821.

The senate proceeded to consider

THE SPECIAL ORDER.

The bill.

H. 205. To create the office of inspector of mines, and prescribe the duties of said office.

Was taken up.

Mr. Godfrey offered an amendment, as follows :

Provided, that this act shall not apply to any mines worked by convicts.

On motion of Mr. Parks, the amendment was laid on the table.

Mr. Handley offered an amendment, as follows :

Strike out "probate judge of the county," and insert "board of examiners."

The amendment was lost.

Mr. Handley offered an amendment, as follows :

On page 3, section 5, line 7, strike out "the expenses of all such appeals shall be paid by the party asking for such reference," and insert, the expenses of all such appeals to be paid by the party against whom the final decisions shall be made.

On motion of Mr. Milner, the amendment was laid on the table.

Mr. Handley offered an amendment, as follows :

On page 2, section 4, line 3, strike out, "and file a copy of the same in the office of the probate judge of the county where said mine is located, to be preserved by said judge as other records are," and after the word "filed," in line 6, insert "at

the mine office of each mine and subject at all times to the inspection of the inspector."

On motion of Mr. Milner, the amendment was laid on the table.

Mr. Handley offered an amendment, as follows:

Amend by striking out "fifteen," and inserting "twenty-five, to be paid by the mine owners."

On motion of Mr. Milner, the amendment was laid on the table.

Mr. Handley offered an amendment, as follows:

After the word "inspector" in 2nd line of printed bill, insert the following: "who shall be a mining engineer by profession and of experience."

On motion of Mr. Milner, the amendment was laid on the table.

Mr. Handley offered an amendment, which was lost, as follows:

On page 3, section 6, line 2, strike out fifteen hundred and insert five thousand, and a tax to be assessed upon each mine operator pro rata, according to the number of tons of coal and iron mined by him.

Mr. Handley offered an amendment as follows:

On page 2, section 4, line 6, after the word filed, strike out, "as marked on maps already filed in the office of the probate judge as aforesaid."

On motion of Mr. Milner, the amendment was laid on the table.

Mr. Handley moved to indefinitely postpone the bill.

On motion of Mr. Milner, the motion to indefinitely postpone was laid on the table.

Yeas 15, nays 13.

Yeas—Mr. Bloch, Davie, Downey, Grant, Haralson, Harris of Lee, Hundley, Milner, Minge, Parks, Skeggs, Smith of Mobile, Stansel, Steagall, Williams—15.

Nays—Mr. President, Bradley, Berry, Godfrey, Handley, Inzer, Lackey, Nesmith, Parker, Reynolds, Smith of Autauga, Stallworth, Wiley—13.

The bill was then read a third time and passed—yeas 22, nays 6.

Yeas—Mr. Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Haralson, Harris of Lee, Hundley, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Mobile, Stansel, Steagall, Wiley, Williams—22.

Nays—Mr. President, Handley, Inzer, Parker, Smith of Autauga, Stallworth—6.

The senate proceeded to consider the second

SPECIAL ORDER.

Which was the bill,

H. 937. For the relief of the Ladies' Memorial Association of Montgomery,

Which was read a third time and passed—yeas 22, nays 4.

Yeas—Mr. President, Berry, Bloch, Compton, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Smith of Autauga, Stallworth, Stansel, Steagall, Waddell, Wiley—22.

Messrs. Cowan, Harris of Lee, Skeggs and Smith of Mobile voted no.

Mr. Cowan moved to reconsider the vote by which the bill was passed, and, on motion of Mr. Wiley, the motion to reconsider was laid on the table.

REPORT OF JOINT COMMITTEE.

Mr. Handley, from the joint committee to examine the books, accounts, offices, etc., under section 34 of the code, made the following report :

To the President of the Senate and Speaker of the House of Representatives :

The undersigned, constituting the joint committee of the two houses to examine the offices of the state auditor and state treasurer, beg leave to report as follows :

That they examined the amount of money in the treasury, with the assistance of three experts, and by actual count ascertained that on the 30th day of January, 1891, there was, in the vaults of the state treasury, the sum of \$212,883.16, which sum is 23 cents in excess of the amount with which the treasurer was chargeable at that date.

Owing to the multiplicity of our duties as members of the general assembly, and the late date at which the committee on the part of the house was raised, this committee was unable to make that thorough examination of the two offices which the statute contemplates. Indeed, it is proper to say

that there are but three or four men in the state who are experts on the subject of the allowances and payments that should be made in the office of the auditor, and almost any examination on the part of a legislative committee is, as to that department, a mere formality, and always will be unless the services of one of such experts can be secured. Hence, we feel it to be our duty to suggest, that as your committee has not been able, for want of time, to examine the said offices as the statute requires, that perhaps it would be well for the omission to be supplied at an early day by the governor, who can require the state examiner to complete the work which this committee begun; and this suggestion is made, not for want of confidence in the management of the said two offices by the excellent and worthy gentlemen who fill the place of heads of the two departments, but merely because this committee has failed for the reason stated to finish their labors in respect thereto.

So far as this committee extended their investigation they feel it incumbent on them to say that they found everything satisfactory and accurate.

Respectfully,

W. A. HANDLEY,
Chairman.

L. W. GRANT,
W. L. DOWNEY,
Senators.

W. BREWER,
S. M. ADAMS,
W. S. LEWIS,
Representatives.

The report was ordered to be spread on the journal.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, Feb. 18, 1891.

Mr. President :

I am directed by the governor to communicate to the senate a message in writing.

J. K. JACKSON,
Private Secretary.

The governor's message was read as follows :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, February 18, 1891.

To the Senate :

I respectfully call your attention to house bill 550, "To improve the penitentiary and convict system of Alabama."

This bill stands on your calendar with a favorable report and is ready for passage. It is a step in the direction of reform, to which the party which placed us in power is strongly committed. The appropriation made by the bill is absolutely necessary to enlarge the hospital accommodations at the walls, to improve its sanitary condition and to provide means for the proper employment of the large number of women.

I also ask your attention to house bill 1055, which also stands on your calendar with a favorable report and is ready for passage. It does not appropriate a dollar, but simply provides, where other laws authorize it, that the governor may condemn property for the use of the penitentiary.

Unless this bill is passed the state will be at the mercy of land owners as regards the acquisition of property necessary at the walls. I trust both of these bills will be taken up and passed to-day.

THOS. G. JONES,
Governor.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, OFFICE OF THE GOVERNOR,

MONTGOMERY, February 17, 1891.

Mr. President :

I have the honor to inform you that the following bills, which originated in the senate, have been approved by the governor :

287, 441, 383, 451, 390, 345, 267, 470, 236, 249, 91, 415, 376, 407, 447, 188, 305, 365, 393, 309, 180, 242, 388, 446, 219, 344, 406, 323, 90, 471, 274, 467.

Respectfully,

HARVEY E. JONES,
Recording Secretary.

MESSAGE FROM THE HOUSE.

Mr. President:

The house accedes to the request of the senate for the return of H. 743 and H. 821.

B. F. ELMORE,
Clerk.

PRIVILEGE QUESTIONS.

Mr. Milner arose to a question of privilege and moved that the senate, by unanimous consent, reconsider the vote on the passage of the bill,

H. 743. To confirm the incorporation of the Shakespeare Club of Birmingham, Alabama, and the change of the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club.

The motion to reconsider prevailed.

On motion of Mr. Milner, the senate reconsidered the vote, ordering the bill to a third reading.

Mr. Milner offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. Bradley, Berry, Cowan, Compton, Davie, Grant, Handley, Haralson, Harris of Lee, Inzer, Milner, Minge, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—23.

Mr. Waddell arose to a question of privilege and moved to reconsider the vote by which the senate passed the bill,

H. 628. To authorize the mayor and aldermen of the city of Girard to establish a system of public schools in said city.

The motion to reconsider prevailed.

On motion of Mr. Waddell, the senate reconsidered the vote ordering the bill to a third reading.

Mr. Waddell offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Godfrey, Haralson, Harris of Lee, Hundley, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Waddell—22.

On motion of Mr. Bradley, the senate reconsidered the vote by which it passed the bill,

H. 821. To repeal section 1 of an act entitled an act to

prohibit the sale, giving away, or otherwise disposing of vinous, spirituous, or malt liquors, intoxicating bitters, or cordials, or fruits preserved in alcoholic liquors within five miles of Village Springs Academy, Blount county, and other places therein named and known as the "Omnibus Bill," approved December 10th, 10th, 1888, so far as the same relates to Corinth church, beat 15, township 12, range 13, and the town of Guin, Marion county.

On motion of Mr. Bradley, the senate reconsidered the vote ordering the bill to a third reading.

Mr. Bradley offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 16, nays 2.

Yeas—Mr. Bradley, Berry, Downey, Godfrey, Handley, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—16.

Messrs. President and Cowan voted no.

REPORT OF CONFERENCE COMMITTEE.

Mr. Downey, from a committee of conference, submitted the following report, viz.:

Mr. President :

The conference committee to whom was referred the disagreement of the two houses on senate amendments to house bill 598, have had the same under consideration and recommend as follows:

1. That the house concur in the senate amendments, striking out the counties of Wilcox and Conecuh.

2. That the house concur in the senate amendments, adding the counties of Macon, Talladega and Bullock, and beat No. 9 of Hale county.

3. That the senate amendment, adding Perry county, be amended so as to include only Oak Grove, Perryville and Badfordsville beats in Perry county.

W. T. DOWNEY,

W. M. LACKEY,

NORFLET HARRIS,

Committee on Part of Senate.

W. W. QUARLES,

G. P. WHITE,

T. K. JONES,

Committee on Part of House.

The above report was concurred in.

Yeas 18, nays 0.

Yeas—Mr. Bradley, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parker, Smith of Antauga, Stallworth, Stansel, Wiley—18.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has passed the following bills :

s. 269. To make an appropriation for the benefit of the State Agricultural Society for the year 1891 ;

s. 462. For the better protection of the capitol and grounds and for the preservation of order therein ;

s. 468. To cede to the United States jurisdiction over the lands of Mount Vernon Barracks and Fort Morgan ;

s. 92. To amend section 457 (4546) of the code ;

s. 264. To amend section 4631 of the code ;

And has concurred in the senate amendment to the bill,

H. 628. To authorize the mayor and aldermen of the city of Girard to establish a system of public schools in said city :

And has amended and passed the bill,

s. 282. To amend section 2908 of the code of 1886.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The senate concurred in the house amendment to the senate bill 282, set out in the foregoing message.

Yeas 19, nays 0.

Yeas—Mr. Bradley, Bloch, Cowan, Downey, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parks, Skeggs, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—19.

BILLS ON THIRD READING.

The bill,

H. 803. To amend an act entitled an act to amend sections 463 and 529 of the code of Alabama, approved February 28th, 1889,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Minge, Parks, Reynolds, Smith of Autauga, Smith of Mobile—17.

The bill,

H. 1072. To amend section 2 of an act entitled an act to amend the charter of the First Presbyterian church of Talladega, Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Smith of Autauga, Stansel, Steagall—20.

The bill,

H. 945. To amend sections 7, 10, 20 and 36 of an act entitled an act to create a new charter for the city of Florence, Alabama, approved February 28th, 1889,

Was taken up and, on motion of Mr. Hayes, the pending amendment was laid on the table.

The bill was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Downey, Grant, Godfrey, Handley, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel—21.

The bill,

H. 672. To incorporate the Alabama Military Institute at Tuskegee, Macon county, Alabama,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. Cowan, Compton, Godfrey, Handley, Harris of Lee, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—17.

The bill,

H. 870. To permit and provide for the incorporation of separate school districts in the county of Tuscaloosa,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Bradley, Cowan, Compton, Downey, Godfrey, Handley, Harris of Lee, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—19.

The bill,

H. 980. To divide the county of Randolph into four com-

missioners districts, and to prescribe the term of office of members of said court.

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. Bradley, Berry, Cowan, Compton, Davie, Downey, Handley, Haralson, Harris of Lee, Inzer, Milner, Minge, Nesmith, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley, Williams—22.

The bill,

n. 394. To amend section 458 of the code,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. Bradley, Bloch, Cowan, Davie, Downey, Godfrey, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—21.

The bill,

n. 943. To authorize the city of Birmingham and the county of Jefferson, to provide an armory for the military companies of said city,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. Bradley, Cowan, Davie, Downey, Grant, Godfrey, Handley, Harris of Lee, Inzer, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley, Williams—20.

The bill,

n. 936. To provide for the collection of a license on transient persons doing business as merchants in the county of Greene and defining who are transient merchants within the meaning of this act,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. Bradley, Cowan, Compton, Davie, Downey, Godfrey, Handley, Harris of Lee, Lackey, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Wiley, Williams—19.

The bill,

n. 610. To amend sections 2 and 16 of an act entitled an act to amend an act entitled an act to establish the city court of Birmingham, which was approved February 28th, 1889,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Lee, Handley, Inzer, Lackey, Milner, Nesmith, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Waddell—21.

The bill,

ii. 929. To establish a separate school district in Cherokee county, and to define the boundaries thereof,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Nesmith, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall—20.

The bill,

ii. 811. To extend the jurisdiction of the notary public and ex-officio justices of the peace in ward No. 4 of the city of Anniston, so as to cover the corporate limits of the city of Anniston,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Berry, Cowan, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Nesmith, Parker, Parks, Stansel, Steagall—17.

The bill,

ii. 399. To amend section (9) of an act entitled an act to establish the city court of Decatur, approved February 8, 1889,

Was read a third time and passed—yeas 27, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Nesmith, Parker, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell—27.

The bill,

ii. 736. To authorize the substitution of the bonds of the county officers, justices of the peace, notaries public, constables, executors, administrators and guardians, in Fayette county,

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Davie, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parker, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Waddell, Williams—23.

The bill,

ii. 1055. To authorize the governor to cause to be instituted, in the name of the state, proceedings for the acquirement by condemnation of any lands, right-of-way, or material needed for the use of the penitentiary, or the maintenance or operation of the hard labor system of the state,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Berry, Bloch, Compton, Grant, Godfrey, Haralson, Harris of Lee, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Waddell, Wiley—24.

The bill,

II. 872. To amend section 1 of an act approved February 12th, 1887, entitled an act to establish the "Warrior Agricultural District," to provide for the securing of the same and the management of its affairs,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Davie, Grant, Godfrey, Hundley, Hundley, Inzer, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—22.

The bill,

II. 792. To regulate the trial of misdemeanors in the county of Macon,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. Berry, Cowan, Davie, Downey, Grant, Godfrey, Haralson, Harris of Lee, Hundley, Inzer, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—20.

The bill,

II. 550. To improve the penitentiary and convict system of Alabama,

Was read a third time and passed—yeas 19, nays 2.

Yeas—Mr. President, Berry, Compton, Davie, Downey, Grant, Godfrey, Hundley, Harris of Lee, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Smith of Mobile, Stansel, Waddell—19.

Messrs. Skeggs and Smith of Autauga, voted no.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA. EXECUTIVE DEPARTMENT,

OFFICE OF GOVERNOR,

MONTGOMERY, Feb'y 18, 1891.

Mr. President:

I am directed by the governor to communicate to the sen-

ate a message in writing, with accompanying document.

J. K. JACKSON,
Private Secretary.

The governor's message was read as follows, viz :

CHIEF EXECUTIVE OFFICE,
MONTGOMERY, ALA., February 18th, 1891.

To the Senate:

After a very careful examination of the act of Congress and the state legislation bearing on the subject, I am constrained to return without my approval, senate bill 179, "to provide for the distribution of the money received by the state of Alabama each year, in pursuance of the act of congress, approved March 2nd, 1887, and known as the Hatch Act, which is entitled "an act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July 2nd, 1862, and of the acts supplementary thereto."

The state had established the Agricultural and Mechanical College of Alabama, under the provisions of the act of congress of July 2nd, 1862, and maintained in connection with the colleges and experimental farm or station, and had also established an experimental farm or station at Uniontown, some time prior to the passage of the act of congress, commonly known as the "Hatch Act," approved March 2nd, 1887.

At its first session after the passage of this act, the general assembly, by joint resolution approved February 27th, 1889, assented to the purposes of the grant, "and authorized and directed" the trustees of the Agricultural and Mechanical College of Alabama, "to comply with the terms and conditions expressed in the terms aforesaid."

The bill under consideration directs the payment of a part of the Hatch fund to the Canebrake Experiment Station, to the North Alabama Experiment Station, and to the South-east Alabama Experiment Station, and naturally raises the following questions as to the power of the general assembly to deal with the Hatch fund, which is a trust fund, over which the legislature has no power, except such as is granted by congress.

1. Can the general assembly after assenting to the purposes of the Hatch grant and selecting the beneficiary, after-

wards make a different disposition of the fund, and require any part of it to be paid to any other institution or experiment station?

2. If the general assembly has such power, can it appropriate or divert any part of the fund to any experiment station not in existence at the time of the passage of the Hatch act?

3. If it can make such diversions or appropriations to experiment stations established after the passage of the Hatch act, is the general assembly confined to stations maintained under the direction and control of the Agricultural College, or can it distribute the funds in its discretion to stations established after the passage of that act, without regard to their connection with the college?

By the express terms of the Hatch act all of the "grants or moneys," covering the whole period in the future during which congress may see fit to make such appropriation, are made subject to the legislative assent "to the purposes of said grants." The legislature which was to give such assent is plainly shown by the proviso to that section, to be the "legislature meeting next after the passage of this act."

It will be noticed that this assent is confined to one thing only, and that is the disposition of the money "to the purposes of the said grant." The beneficiary intended by the act of congress is plainly pointed out in the title of the act, which is "to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of the act approved July 2, 1862, and acts supplementary thereto." The college which had been so established in this state is the Agricultural and Mechanical College of Alabama.

The body of the act in the first section distinctly points out such colleges as the controllers of the experiment stations it intended to promote, and provides "there shall be established, under the direction of the colleges, or agricultural department of colleges established or which may be hereafter established," in accordance with the provisions of the act of July 2, 1862, "a department to be known and designated as an agricultural experimental station." Hence, if the legislature of 1888-89 had simply assented to the "purpses of said grants" and omitted all mention of the beneficiary or controller of the experiment station, the money under the grant would necessarily have gone to the Agricultural and Mechanical College of Alabama. That college having been established under the act of congress

of July 2, 1862, and prior to the passage of the Hatch act, the Hatch act must be read, so far as concerns this discussion as though it was written, "there shall be established an agricultural experiment station under the direction of the Agricultural and Mechanical College of Alabama," with the single exception, in the 8th section, that the legislature, if it saw fit under the contingencies therein mentioned, might by affirmative action change the direction which the act of congress had already provided for its bounty. The general assembly, however, in assenting did not confine its assent "to the purposes of the grant," but went further and selected by name the very beneficiary named in the Hatch act. There is not a line in the bill which looks to any other beneficiary than the college established under the act of 1862, and stations connected therewith except in the 8th section which provides that, in certain contingencies, the legislature might change the direction of the bounty. Indeed, as we have seen, the whole bill with that exception, is devoted to provisions for carrying on the purposes expressed in the title, of establishing the experiment stations "in connection with" or "under the direction" of colleges established under the act of 1862.

The 8th section, so far as material to the points here considered is as follows: "In states having colleges entitled under this section to the benefits of this act, and having also agricultural experiment stations established by law separate and apart from such colleges, such states shall be authorized to apply such benefits to experiments at stations so established by such states," etc.

If we concede that up to this time the general assembly had power to devote the whole appropriation to such experiment station, the very serious question arises, whether after having acted and assented to the purposes of the grant, and selected the beneficiary, all further power of the legislature of Alabama over the subject has not been exhausted.

Under the Hatch act, the state took no title or property whatever in the appropriation. To quote the language of the supreme court of the United States in a somewhat similar case, "the donation in no sense proceeded from the state. It was made by the federal government, and is no more subject to state power than if it had been given by an individual for the same purpose."—Trustees for Vincennes University v. the State of Indiana, 14 Howard, 277.

I repeat: the purpose of the appropriation was specific and

plainly set forth in the act, to-wit: "For agricultural experiment stations in connection with the colleges established," under the act of 1862, unless in the specific instance already quoted, where the legislature might devote it to an independent agricultural experiment station. The state, at most, had only a qualified power of appointment or disposition, and it executed that power of disposal by selecting that beneficiary. The only effect which can be given to the exception in the 8th section of the act was to enlarge the power of disposal in the beginning, so as to include another beneficiary than the agricultural and mechanical college. It cannot have the effect to make the power of appointment continuing or perpetual, or to prevent the beneficiary named under it from receiving the full benefit of it. It is well settled, that where a naked power of appointment is exercised, it is exhausted, and the appointee takes and holds the benefit as firmly as though taking by direct grant from the donor of the power, unless the power itself expressly provides otherwise. The state, by its general assembly, declined to exercise the power of disposal as authorized by the exception in the 8th section, but did execute it in the manner authorized by the main and controlling sections of the act; and, having once exercised the power of disposition and named the beneficiary, it parted with all control over the subject. The beneficiary so appointed by the general assembly then stood in the eye of the law as though it had been solely and exclusively named in the act of congress itself.

When the owner of a thing completes a gift of it by delivery to the person to whom it is intended, he parts with all right to the gift as absolutely as if he had sold it, unless he otherwise so expressly agreed. The selection of the person to whom the gift is to be delivered may be left to an agent, and the selection of such person and the delivery to him by the agent is in law and morals a selection and delivery by the owner. Neither the agent nor the owner can afterwards recall the gift or exercise further power with reference to it.

Under these plain principles what right has the state, the mere agent of congress, to select another beneficiary than that named in the act, if it chose to do so under authority granted in the 8th and 9th sections of the bill, to now revoke its selection, make another in its stead, and renew the power, which having been once exercised, is thereby completely exhausted?

In the Hatch act, which is carefully drawn, there is an apparent and pervading purpose, carefully expressed in the act

to name every contingency in which the legislature, after having once acted, may again make further disposition of the fund. For instance, in the first section it provides that if two agricultural colleges "have been established or may be so established," the legislature may divide the fund, etc. The same purpose is again manifested in the last part of the 8th section, where provision is made for a state not having a college under the act of 1862, nor experiment station in connection with said college, and "such state shall hereafter establish such school," etc., the legislature may apply the appropriation to the agricultural college when brought into existence.

There is an evident purpose in the bill to give permanency to the experiment station, and to devote the larger portion of the fund to the scientific experiments to which it was devoted, hence the provision in the proviso to the 5th section that one-fifth of the first appropriation might be applied to buildings, and thereafter only 5 per cent. If separate stations can be increased at the will of the legislature, this purpose would be measurably defeated.

Is there good ground for believing, after all the care which the Hatch act and others on the same subject display for the proper disposition of this money "to the purposes of the grant," that congress intended by the 8th section of the act to leave this trust fund subject to new disposition at every session of the legislature, and to furnish an appropriation over which different localities might contend, with varying fortunes at the different sessions in the future; or in other words, to use a homely phrase, to put the appropriation "on wheels?" Such a state of things manifestly would not be promotive of permanency or the efficiency of the stations.

It is argued that this denial of power to the legislature would leave the state without authority to direct the administration of the grant, as circumstances might show most expedient in the future, and that this could hardly have been intended. To this, it is a full answer to say that congress while it limited the purpose to which the grant was to be devoted, and exhausted the power of selection after the state once exercised such power, did not thereby undertake to deprive the legislature of any power which it might have over the agricultural colleges, or experiment stations selected by it, or to control the legislature as to how they should administer the affairs of such colleges, etc.

This purpose is plainly expressed in the 7th section, which

provides that the act "shall not be construed to impair or modify the legal relation existing between the colleges and the government of the state in which they are located." The donors of the bounty under the Hatch act doubtless felt, that while the act cut off further power of the legislature as to the disposition of the fund, after the legislature had assented and selected a beneficiary, ample power was left in the states to direct the colleges or stations receiving its benefits, how and where to carry on the experiments so long as conducted by those agencies. Whether the general assembly of this state has such power over the Agricultural and Mechanical College of Alabama, in view of the provisions of section 9 of article 3 of the constitution, which declares that the Agricultural and Mechanical College shall be "under the management and control" of a board of trustees," etc., is needless now to enquire.

There is still another difficulty in the way of the passage of the bill under consideration. The Hatch act, taken as a whole, shows that when power was given the legislature by section 8 of the act, to appropriate the fund to separate experiment stations, or to other than institutions and colleges established under the act of congress of 1862, and experiment stations in connection therewith, congress intended to give such power only as to such separate experiment stations as were in existence at the time of the passage of the act.

I have already noted above the care which the framers of the Hatch act took to give power in the contingencies mentioned, to divert or change the fund, after the legislature had once selected the beneficiaries. If this were not the proper construction of the act, the legislature might establish independent experiment stations at any time, and in its discretion appropriate the whole fund to them in exclusion of the college, and thus defeat the main purpose of the congressional grant. It does not admit of denial, if the legislature has power to appropriate this money to independent experiment stations established after the passage of the Hatch act, it would now rest in its discretion whether to allow any of the fund to remain with the college or experiment station connected with it. Under well settled rules of interpretation, no construction is permissible which will defeat the main purposes of an act, unless the words force it, and leave no room for doubt.

Such have been the decisions of the comptroller of the treasury in cases arising under section 8 of the Hatch act. The act contemplates that where stations have already been

established disconnected from the college, the legislature of said state may make such provisions in regard thereto as they may deem proper; but it does not authorize the establishment of stations except in connection with colleges that were at the time or might thereafter be established under the act of July 2nd, 1862"—decision of January 30, 1888. "If the legislature of any state in which an agricultural college has been established under the act of July 2, 1862, desires to establish an agricultural station which shall be entitled to the benefits of said act, it must establish such station in connection with said college"—decision of February 5th, 1888.

Two of the experiment stations mentioned in the senate bill have been established since the passage of the Hatch act.

It is urged that the disposition of the Hatch fund attempted in the bill under consideration is justified, because they are "branch agricultural experiment stations." The law looks to substance and not to name.

Neither the Canebrake Agricultural Experiment Station, nor the others mentioned in the bill, are under the direction or operated in connection with the Agricultural and Mechanical College of Alabama. The Agricultural and Mechanical College of Alabama has nothing whatever to do with their management, or in shaping the experiments or supervising their conduct in any way. They do not even send reports to the college. They are governed by separate and distinct boards, having no legal connection with each other. They are separate and independent in law and in fact. It is true that the director of the experiment station of the college is one of the trustees or governing board of each of the three experiment stations, but he is not even a trustee in the college. It is also true the commissioner of agriculture is *virtute officio* a director in the three experiment stations and is also trustee of the Agricultural and Mechanical College, but this trusteeship is by appointment and not *virtute officio*. The fact that one or more individuals who are trustees or directors of one institution are also directors or trustees in another, does not in any legal sense connect them or make them branches the one of the other.

It also admits of question whether the experiments which the independent experiment stations are required to conduct under the state law, comply with the spirit and scope of the experiments to be conducted at the stations provided for by section 2 of the Hatch act, and the bill under consideration in

appropriating the money does not require it to be devoted to such purpose, but simply appropriates a part thereof to each of the experiment stations named therein to be disposed of necessarily according to the laws under which they are organized.

In corroboration of the views herein expressed, I incorporate the following letter from Hon. Justin S. Morrill to the president of the board of trustees of the Agricultural and Mechanical College, which is as follows :

COMMITTEE ON FINANCE, UNITED STATES SENATE,

January 10th, 1891.

DEAR SIR--In reply to your favor of the 6th inst., I am clearly of the opinion that the proposition before your legislature would be considered an evasion of the Hatch act. I should regret to see it passed for the reason that it is somewhat doubtful how long this \$15,000 appropriation will be continued, and should it be considered by congress as having been misapplied, they would suddenly bring such appropriations to an end.

Very truly yours,

JUSTIN S. MORRILL.

The writer of this letter is the chairman of the United States senate finance committee, a senator of long and distinguished service, and a jurist of repute; and he is also the author of what is known as the Morrill act, a division of the funds arising under which and the beneficiaries thereof, have already been proposed by an act passed at the present session.

This Morrill act, which, like the Hatch act, is intended to aid colleges, established under the act of congress of July 2nd, 1862, also shows the care of congress to use apt and unmistakable words where it intends to give the legislature power as to institutions, not in existence at the time of the passage of these acts, or in cases where it is intended that the legislature having once acted shall have power to take further action. In the Morrill act, for instance, in designating the school which may be selected for "colored students," it permits the states to select colleges of the character named, whether they "are established, or may be hereafter established" and also "whether or not it has received money heretofore under the act," etc.

After anxious and painstaking investigation of the question, I am forced to the conclusion that the proposed distribution of the Hatch fund would be an unauthorized diversion, productive of litigation, and perhaps entailing ultimate loss of the fund itself.

THOS. G. JONES,
Governor.

The question being, "shall the bill pass notwithstanding the governor's veto?"

The senate refused to pass the bill.

Yeas 6, nays 18.

Yeas—Mr. Downey, Hundley, Milner, Skeggs, Smith of Mobile, Steagall—6.

Nays—Mr. President, Bradley, Cowan, Compton, Davie, Downey, Godfrey, Haralson, Harris of Lee, Inzer, Lackey, Nesmith, Parker, Parks, Smith of Autauga, Stallworth, Stansel, Waddell—18.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled, viz.:

s. 24. To protect chickens and other poultry on the premises in the night time in the county of Mobile;

s. 36. To make the office of commissioner of agriculture elective;

s. 65. To provide for the assessment of state and county taxes within the corporate limits of the city of Anniston, Alabama;

s. 154. To amend section 3216 of the code (condemnation of right of way);

s. 194. For the relief of W. L. Rowe, sheriff of Tallapoosa county;

s. 263. To provide for the refunding of taxes improperly paid;

s. 239. To incorporate Blount College, in Blount county, Alabama;

s. 241. To authorize and empower the mayor and aldermen of the city of Huntsville to improve and repair the side walks of the city of Huntsville, Alabama, at the cost of parties whose property abuts such side walks;

s. 259. To relieve George T. Proer of Lee county, Alabama, of the disabilities of non-age;

s. 284. To prevent the running at large of stock in certain portions of Elmore county;

s. 297. To grant certain rights of way to the Montgomery and Sylacauga Railroad Company;

s. 299. To incorporate the Autauga Volunteer Hook and Ladder Company, No. 1, of the town of Prattville;

s. 339. To require the county treasurer of Winston county to register all claims against the county which have heretofore been registered as required by law;

s. 378. To incorporate the Montgomery Loan and Trust Company;

s. 382. For the relief of persons who have paid for and taken out a liquor license for the year 1891, improperly;

s. 403. To confirm the incorporation and organization of the Gadsden and Attalla Union Railway Company;

s. 423. To fix the time of holding the circuit courts in the counties of Randolph and Bibb, in the fifth judicial circuit of the state of Alabama;

s. 445. To loan and appropriate the two and three per cent. fund now in the treasury;

s. 456. To increase the fees of justices of the peace and notaries public having like powers in the county Autauga;

s. 463. To prohibit justices of the peace and notaries public, with the jurisdiction of justices of the peace, from sentencing defendants to hard labor for costs;

s. 487. To incorporate the Alabama Iron and Steel Company;

s. 490. To establish an industrial school in the state of Alabama for the destitute children, descendants of Confederate soldiers and sailors;

s. 269. To make an appropriation for the benefit of the State Agricultural Society for the year 1891;

s. 117. To establish the city court of Gadsden;

s. 48. To repeal section 3210 and to amend sections 3211, 3212, 3214, 3215, 3216 and 3217 of the code, relating to the condemnation of lands for public uses;

s. 289. To designate the officers at the penitentiary walls and to provide for their appointment, removal and compensation;

s. 250. To prevent stock from running at large in certain parts of Roanoke beat No. 10, in Randolph county;

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested, viz.:

H. 762. To amend section 7 of an act entitled an act to regulate the mode of selecting, drawing and empanneling grand and petit jurors for the county of Mobile, approved February 20, 1883, and likewise to amend sections 2 and 5 of an act entitled an act to amend sections 4, 5, 13 and 17, of an act entitled an act to regulate the mode of selecting, drawing and empanneling grand and petit jurors for Mobile county, approved February 20, 1883, and to amend as well sections 1, 2 and 5, of an act, approved February 16, 1885, entitled an act to amend sections 6, 8, 10, 11 and 13 of an act entitled an act to regulate the mode of selecting, drawing and empanneling grand and petit jurors for Mobile county, approved February 20th, 1883, approved February 24th, 1887;

H. 1001. To establish a new charter for the town of Clayton, in Barbour county;

H. 206. To amend sections 4 and 11 of an act entitled an act to establish the criminal court of Jefferson county;

H. 823. To amend sections 4 and 6 of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections therein;

H. 973. To fix the times and places for holding the courts in the third judicial circuit of the state of Alabama;

H. 411. To establish a charter for the town of Oneonta;

H. 971. Concerning the organization and perpetuity of a voluntary association to be known as the order of Columbia, a secret society, having a secret ritual, and providing laws for governing the same;

H. 558. To confer certain powers, rights and privileges in the state of Alabama upon the Atlanta and Birmingham Railroad Company, a corporation chartered under and by virtue of the laws of the state of Georgia;

H. 1005. To authorize the court of county commissioners of Jefferson county, to purchase claims against the fine and forfeiture fund of said county;

H. 699. To provide for the election of a county treasurer of Macon county by the unqualified voters thereof at the general election for state and county officers in August, 1892;

- ii. 318. To amend and revise the charter of the town of Oxanna;
- ii. 999. To establish a charter for the city of Bridgeport;
- ii. 148. To amend an act to establish the city court of Aniston, approved February 25th, 1889, by amending certain sections thereof;
- ii. 748. To incorporate the Southern Steel Company;
- ii. 760. To establish a charter for the town of Albertville, in Marshall county, Alabama;
- ii. 360. To amend section 1583 (2008) of the code of Alabama;
- ii. 681. To incorporate the town of Sedlon, in St. Clair county, and to establish a charter for the government thereof;
- ii. 658. To amend the charter of the town of Greensboro, Alabama, and the acts amending the same;
- ii. 876. To authorize the commissioners courts of Choctaw and Clarke counties to establish districts in which stock may be prevented from running at large;
- ii. 481. To provide for the support of the indigent soldiers and sailors of the late Confederate states army and navy who are now bona fide citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama;
- ii. 825. For the relief of the estate of Mary W. Hunter;
- ii. 1054. For the relief of F. M. Harrison, T. D. Hendricks, R. F. Grimes, W. J. Flemming, William King, J. B. Lolley, Sarah Barbaree, Luke Farmer, S. Spurlock, P. G. Simmons and J. W. Carroll, settlers on the public lands of the state, in Collee county;
- ii. 837. To make the fees of bonded constables in the county of Choctaw the same as sheriff's fees when they perform the same or similiar service;
- ii. 483. To repeal an act entitled an act to authorize and require the commissioners court of Crenshaw county to dispose of moneys arising from fines, forfeitures and convict labor, approved February 4th, 1889;
- ii. 443. To amend an act entitled an act to establish a new charter for the town of Attalla, approved February 28th, 1889;
- ii. 826. To change the name of the Ashland Educational Company and to grant additional powers;
- ii. 979. To amend the preamble and section 1 of an act to prescribe the civil jurisdiction, and regulate the practice in

civil cases in the city court of Mobile, approved December 12th, 1888;

ii. 598. To prevent hunting on land without written consent of owner or his agent, in Dallas, Madison, Autauga, Macon, Sumter, Talladega, Bullock and Perry counties, and beat No. 9, Hale county;

ii. 732. To establish three separate school districts in Cullman county, to be known as the Jones Chapel school district, the County Line school district, and the Good Hope school district, in Cullman county, Alabama, and to provide for an election of a board of trustees for each of said school districts, with certain duties and powers;

ii. 655. To define and regulate the liability of persons, partnerships and corporations operating in the county of Escambia, ditches or canals for the purpose of floating logs or timber therein;

ii. 545. To require the commissioners court of Jefferson county to pay for assistance to the solicitor for said county in suppressing crime, out of certain funds in the county treasury;

ii. 829. To amend an act entitled an act to define and prescribe a lawful fence in certain portions of the county of Madison, approved February 28th, 1889;

ii. 997. To ratify and confirm the charter and incorporation of the Talladega Gas, Light and Water Company, and the acts done thereunder;

ii. 670. To remove the disabilities of non-age of John S. Pollard, minor;

ii. 249. To require all fines and forfeitures in criminal cases in the counties of Jefferson and Lee to be paid in lawful money;

ii. 651. To provide for the protection and preservation of game animals and birds in Fayette county;

ii. 1039. To regulate the bonded indebtedness of Pickens and Tallapoosa counties;

ii. 689. To fix the compensation of county commissioners of Calhoun county, Alabama;

ii. 20. To prevent the keeping of cock-pits and publicly fighting cocks in the state of Alabama;

ii. 11. To establish a separate school district in Dale county, to be known as Deans school district;

ii. 988. To authorize and empower the court of county commissioners of the counties of Monroe and Escambia to levy and collect a tax on all dogs owned or kept in said counties;

ii. 711. To establish the Sylvan Agricultural district to authorize the erection of an outside fence and to dispense with inside fences, and to levy taxes to erect said fence and to defray all the current expenses of said district ;

ii. 641. To validate the bonds issued by the corporate authorities of the city of Anniston, bearing date June 1st, 1887 ;

ii. 1053. To regulate the trial of misdemeanors in St. Clair county ;

ii. 881. To declare certain lands in Greene county in this state, now belonging to T. U. Cobb, Mary Cobb, Mary E. Walker and Amenia O. J. Upchurch, a district in which stock shall be prevented from running at large, and to provide that the provisions of an act entitled an act to authorize the commissioners court of Greene county to establish districts in which stock may be prevented from running at large, approved February 17th, 1885, shall be applicable to said district ;

ii. 422. To authorize the mayor and councilmen of the town of Avondale, to issue bonds of said town for an amount not exceeding fifteen thousand dollars for the purpose of building a school house, paying floating debt of said town, improving the streets, constructing sewers, and making other permanent improvements in said town, and in buying a lot and building a school house for colored school ;

ii. 958. To incorporate the East Lake Water and Electric Company and to confer upon said company certain corporate powers ;

ii. 934. To equalize the disbursement of the school fund in Clay county, Alabama ;

ii. 625. To relieve Thomas W. Oliver, junior, of Montgomery county, Alabama, of the disabilities of non-age ;

ii. 852. To authorize Mary F. Churchwell, widow of David Churchwell, deceased, to sell land at private sale, belonging to the estate of said David Churchwell, deceased ;

ii. 714. To provide for a re-registration of all claims against the fine and forfeiture fund of Franklin county ;

ii. 761. To exempt the secretary of the chamber of Commerce of the city of Mobile from jury duty ;

ii. 526. To declare William H. Betts, Luke Coley, A. D. McNeil, William Lane, Jordan Mc. Crawford and B. T. Johnson of the county of Conecuh, citizens of Monroe county ;

ii. 827. For the relief of R. S. Gray, of Clay county ;

ii. 1004. To amend sections 1 and 2 of an act entitled an

act for the preservation of game animals and birds in the counties of Sumter and Chilton, approved February 23rd, 1887, so far as the same relates to Sumter county ;

ii. 991. To create a separate school district in the city of Florence, Alabama, to define the boundaries thereof and provide for the maintenance of the schools therein ;

ii. 1010. For the payment of five coupons of class A bonds destroyed by fire ;

ii. 376. To create a separate school district of certain fractional townships in Dallas county ;

ii. 322. To incorporate Cleburne Institute, Edwardsville, Cleburne county, Alabama ;

ii. 763. To amend sections 1 and 2 of an act entitled an act to preserve order at the Asberry camp-ground, in the county of Monroe, and at Spring Hill camp-ground, in Butler county, and at Pottersville and Ramage Springs camp-ground, in Pike county, and at Tabernacle and Andrew's Chapel camp-ground, in the county of Pickens ;

ii. 810. To amend section two of an act to incorporate the Anniston Loan and Trust Company of Anniston, Alabama, approved February 28, 1889 ;

ii. 959. To provide for the incorporation of the town of Eastlake, in the county of Jefferson, and to define the powers of such corporation ;

ii. 696. To amend an act entitled an act to incorporate the town of Brewton, Escambia county, approved February 13th, 1885 ;

ii. 923. To amend section one of an act, approved January 16, 1879, and entitled an act to amend an act entitled an act to amend section 12 of an act to establish a new charter for the town of Union Springs, Alabama, approved February 1st, 1876 ;

ii. 293. To change the time of taking up the criminal docket in the circuit court of Marion county ;

ii. 520. To amend an act entitled an act for the preservation of game animals, birds and fish in Macon county, approved February 11, 1889.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed

the bills, the titles of which are set out in the foregoing house message and report of enrolled bills.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, February 18th, 1891.

To the General Assembly :

I have approved the bill to establish the city court at Gadsden and notify you thereof now, because the 11th section provides that immediately after the approval of the act a solicitor for said court shall be elected on joint ballot of the general assembly.

THOS. G. JONES,
Governor.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has adopted the joint resolution, herewith sent, relative to electing a solicitor for the city court of Gadsden, at 9 o'clock p. m.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

On motion of Mr. Downey, the resolution was amended by inserting 9:40 instead of 9, and as amended, the resolution was concurred in.

RECESS.

At one o'clock p. m., the senate took a recess, until three o'clock p. m.

AFTERNOON SESSION.

The senate re-assembled at three o'clock p. m., a quorum present.

BILLS ON THIRD READING.

The bill,

ii. 17. To amend section 3812 of the code of Alabama,

Was taken up.

And on motion of Mr. Stallworth, was laid on the table.

Yeas—20, nays 6.

Yeas—Mr. President, Bradley, Berry, Davie, Grant, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall,—20.

Nays—Mr. Bloch, Cowan, Compton, Downey, Harris of Lee, Wiley—6.

The bill,

ii. 613. To amend section 4581 of the code.

Was taken up, and the pending amendment was adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bloch, Cowan, Davie, Downey, Grant, Godfrey, Handley, Haralson, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Wiley, Williams—20.

The bill,

ii. 619. To refund to George G. White and Charlton Alexander, \$107.55, erroneously paid by them into the state treasury for purchase of certain lands previously sold by the state.

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Mobile, Steagall, Wiley, Williams—20.

The bill,

ii. 617. For the relief of parties whose lands have been sold for taxes,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Cowan, Downey, Handley, Haralson, Hayes, Hundley, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Wiley, Williams—18.

The bill,

ii. 582. To prevent camp hunting in Blount county, Alabama,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Godfrey, Handley, Haralson, Hundley, Inzer, Milner, Minge, Parker, Reynolds, Skeggs, Smith of Autauga, Steagall, Williams—18.

The bill,

ii. 307. To ratify and amend the incorporation of the "Birmingham Bar Association," of Birmingham, Alabama, and to enlarge the powers thereof,

Was taken up.

The pending amendment was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Godfrey, Handley, Haralson, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parks, Smith of Autauga, Steagall, Williams—18.

The bill,

ii. 568. To amend section 7 of an act entitled an act to incorporate Howard College, in Marion, Perry county, approved December 29, 1841,

Was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Reynolds, Smith of Autauga, Smith of Mobile, Wiley, Williams—17.

The bill;

ii. 814. To repeal an act entitled an act to amend section 5049 of the code of 1876, as far as it relates to Clay county,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Compton, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Wiley, Williams—19.

The bill,

ii. 783. To incorporate the Brotherhood of Dependent Neighbors,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Nesmith, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Williams—21.

The bill,

ii. 987. To amend section 3878 of the code, so far as the same relates to Cherokee and Etowah counties,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Davie, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Milner, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Steagall—18.

The bill,

ii. 1093. To require the commissioners court of roads and revenue for the county of Chambers, to cause road overseers in said county to have loose stones removed from roads of said county, so far as the same may be practicable,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—21.

The bill,

ii. 640. To authorize W. D. Caddell, to make title to certain lands in Bibb county,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Milner, Nesmith, Reynolds, Skeggs, Steagall, Wiley, Williams—18.

The bill,

ii. 393. To provide for the collection of taxes from persons removing from one county to another during the tax year,

Was read a third time and passed—yeas 24, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Parker, Parks, Skeggs, Steagall, Wiley, Williams—24.

The bill,

ii. 767. To amend an act to authorize the commissioners court of Perry, to establish or abolish districts in said county in which stock may be prevented from running at large, approved February 15th, 1889,

Was read a third time and passed—yeas 17, nays 1.

Yeas—Mr. President, Bradley, Berry, Cowan, Downey, Handley, Haralson, Harris of Lee, Inzer, Milner, Minge,

Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Williams—17.

Mr. Parker voted no.

The bill,

ii. 954. To establish the legal weights of agricultural products in this state,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Minge, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Wiley, Williams—19.

The bill,

ii. 656. To prohibit the driving of live animals into or the placing of dead bodies of animals in any ditch or canal, operated for the purpose of floating logs or timber, within the limits of the county of Escambia,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Hundley, Inzer, Milner, Minge, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stansel, Wiley—20.

The bill,

ii. 765. To declare the Montgomery Shooting Club a social club within the meaning of section 4053 of the code of Alabama,

Was read a third time and passed—yeas 17, nays 1.

Yeas—Mr. President, Bradley, Berry, Bloch, Compton, Godfrey, Handley, Harris of Lee, Hundley, Inzer, Milner, Minge, Reynolds, Smith of Autauga, Smith of Mobile, Steagall, Wiley—17.

Mr. Parker voted no.

The bill,

ii. 325. To regulate the trials of misdemeanors in Geneva county,

Was taken up, and the pending amendment was adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Godfrey, Handley, Haralson, Harris of Lee, Hundley, Inzer, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Steagall, Wiley—19.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in the report of the committee of conference on the bill,

s. 58. To amend the charter of the city of Montgomery, and the various acts amendatory thereof;

And has amended and passed the following bills:

s. 170. To establish a new charter for the city of Decatur;

s. 81. To fix the legal rate of interest in this state.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGE.

The senate concurred in the house amendment to the senate bill 170, set out in the foregoing house message;

Yeas 18, nays 0.

Yeas—Mr. President, Bradley, Compton, Davie, Downey, Grant, Godfrey, Haralson, Hindley, Inzer, Minge, Parker, Parks, Skeggs, Smith of Antauga, Smith of Mobile, Stansel, Wiley—18.

The senate non-concurred in the house amendment to the senate bill 81, set out in the foregoing house message.

REPORT OF CONFERENCE COMMITTEE.

Mr. Wiley, from a committee of conference submitted the following report, viz :

Mr. President:

Your committee of conference on the disagreement of the two houses, touching the house amendment to senate bill 58, have had the same under consideration and beg leave to report and recommend as follows, viz :

1. That the senate concur in the house amendments numbered respectively 6, 7, 8, 9 and 10.

2nd. That the house recede from its amendments, num-

bered respectively 1, 2, 3, 4 and 5, and that the bill as thus amended, be passed.

A. A. WILEY,
J. C. COMPTON,
OSCAR R. HINDLEY,

On part of the senate,

WALTON HILL,

A. D. SAYRE,

B. H. SCREWS.

On part of the house.

The senate concurred in the foregoing report of the committee of conference.

Yeas 18, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Inzer, Lackey, Milner, Minge, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Wiley, Williams—18.

BILLS ON THIRD READING.

The bill,

n. 1095. To amend section 8 of an act entitled an act to incorporate the town of Auburn, Lee county, Alabama, approved February 23rd, 1875.

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—21.

The bill,

n. 981. To authorize the mayor and councilmen of Troy, to erect and maintain a system of electric lights and to issue bonds in payment thereof in an amount not exceeding twenty thousand dollars,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Berry, Bloch, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Minge, Reynolds, Skeggs, Smith of Mobile—18.

The bill,

n. 61. To regulate the election of municipal officers in the city of Montgomery,

Was taken up, and the pending amendment adopted.

The bill was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Steagall, Wiley—20.

The bill,

ii. 398. To establish a separate school district to be known as the Hartselle school district, in Morgan county, Alabama, and for the election of a board of trustees for said school district, with certain powers and privileges,

Was taken up.

Mr. Skeggs offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 17, nays 0.

Yeas—Mr. President, Bradley, Bloch, Compton, Grant, Godfrey, Handley, Minge, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley, Williams—17.

The bill,

ii. 998. To incorporate the State Savings Association and define its powers and authority,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stansel, Steagall, Wiley—21.

The bill,

ii. 359. To amend section 5 of an act entitled an act to regulate the circuit court of Henry county, approved February 17th, 1885.

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Autauga, Steagall, Wiley—18.

The bill,

ii. 308. To finally dispose of lands which have been sold for its taxes and bid in for the state,

Was taken up, and the four pending amendments adopted.

The bill was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Compton, Davie, Downey, Grant, Godfrey, Handley, Hayes, Hundley, Milner, Minge, Parker, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley, Williams—19.

The bill,

ii. 985. To amend section 3 of an act to provide for the

more efficient working of the public roads in the county of Talladega, approved December 9th, 1886; and section 4 of an act entitled an act to amend sections 20, 21, 22 and 26 of an act to provide for the more efficient workings of the public roads in Talladega county, and approved February 13th, 1889.

Was, on motion of Mr. Milner, laid on the table.

The bill,

ii. 607. To amend section 521 of the code, so far as the same relates to Jefferson county, Alabama,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Hundley, Inzer, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley, Williams—22.

The bill,

ii. 742. To authorize the justices of the supreme court to use a portion of the library fund in the purchase of law books for the office of the attorney-general,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Milner, Minge, Parker, Parks, Smith of Autauga, Smith of Mobile, Steagall, Wiley, Williams—22.

The bill,

ii. 421. To create a board of education for the town of Avondale, and to prescribe the powers and duties of the same,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Davie, Godfrey, Handley, Harris of Hale, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Parker, Skeggs, Smith of Mobile, Steagall, Wiley, Williams—21.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in the senate amendments to the bills,

ii. 307. To ratify and amend the incorporation of the Birmingham Bar Association of Birmingham, Alabama, and to enlarge the powers thereof;

ii. 308. To finally dispose of lands which have been sold for its taxes and bid in by the state ;

And has receded from its amendment to

s. 81. To fix the legal rate of interest in this state ;

And has concurred in the senate amendments to the following bills :

ii. 743. To confirm the incorporation of the Shakespeare Club of Birmingham, Alabama, and the change of the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club ;

ii. 398. To establish a separate school district to be known as the Hartselle school district, in Morgan county, Alabama, and for the election of a board of trustees for said school district with certain powers and privileges ;

ii. 821. To repeal section 1 of an act entitled an act to prohibit the sale, giving away, or otherwise disposing of vinous, spirituous, or malt liquors, intoxicating bitters, or cordials, or fruits preserved in alcoholic liquors within five miles of Village Springs Academy, Blount county, and other places therein named, known as the "Omnibus Bill," approved December 10th, 1888, so far as the same relates to Corinth church, beat 15, township 12, range 13, and the town of Gain, Marion county ;

And has passed the bills :

s. 133. To provide for paying the accounts of sheriffs against the state ;

s. 472. To authorize the city of New Decatur to levy and collect license taxes upon professions, occupations, vocations and businesses practiced or engaged in within said city ;

s. 285. To incorporate the Anniston Banking and Loan Association of Anniston, Alabama ;

s. 425. To incorporate the town of Vienna, in the county of Pickens, and the state of Alabama ;

s. 489. To authorize the governor to issue to John B. Manning a new state coupon bond for five hundred dollars in the lieu and stead of class "A" bond number 7255 ;

s. 252. To authorize justices of the peace and notaries public, with ex-officio powers as justices of the peace, in beats 16, 17 and 22, Jefferson county, to exercise jurisdiction in said beats ;

And has concurred in the senate amendments to the bills :

ii. 325. To regulate the trials of misdemeanors in Geneva county ;

ii. 61. To regulate the election of municipal officers in the city of Montgomery.

B. F. ELMORE,
Clerk.

RESOLUTION.

Mr. Godfrey offered a resolution, as follows :

Resolved. That the senate at 6 o'clock p. m. take a recess till 8 o'clock, and that no bill shall be passed after 9:30 p. m.

On motion of Mr. Milner, "8" was stricken out and "7:30" inserted instead thereof, and, as amended, the resolution was adopted.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled :

s. 200. To regulate the planting and taking of oysters in the waters of this state ;

s. 262. To extend the corporate limits of the city of Montgomery, in the state of Alabama, and to provide for dividing said limits into wards ;

s. 300. To incorporate the town of River Falls in Covington county, and to authorize it to cut a canal and issue bonds for certain purposes ;

s. 389. To incorporate the Alabama Locomotive Company ;

s. 454. To authorize the mayor and council of Dadeville to issue bonds of said city for an amount not exceeding five thousand dollars for the purpose of purchasing a lot in said city and erecting and improving school building thereon ;

s. 455. To create a separate school district in the county of St. Clair, to be called Cook's Springs public school district, and to define the boundaries thereof ;

s. 478. To incorporate the Limestone County Oil and Gas Company ;

s. 283. To establish a new charter for the town of Carrollton ;

s. 405. To amend sections 3, 4, 7, 8, 11, 12 and 13 of an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved January 16, 1879 ;

s. 458. To authorize railroad companies, chartered under the laws of the state of Alabama, whose capital stock is owned by a railroad corporation, chartered under the laws of another state, to sell to such corporation owning its stock, all of its property, road bed, rights and franchises.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature to the same is requested :

n. 477. To confirm, amend and enlarge the charter of the trustees of the Hospital of United Charities of Birmingham, Alabama, and to confer additional powers on said corporation :

n. 749. To increase, enlarge, extend, confirm, establish and ratify the charter and corporate powers of Crew's Normal College, of Lamar county, Alabama ;

n. 874. To incorporate the Corning Land, Industrial and Trust Company ;

n. 840. To authorize the mayor and board of aldermen of the town of Eutaw to pass an ordinance requiring temporary merchants doing business in said towns, to first take out a license therefor ;

n. 702. To regulate the granting of licenses to sell vinous or spirituous liquors in the county of Marshall, state of Alabama ;

n. 510. To establish a uniform series of standard school books to be used in the free public schools in Marshall county ;

n. 857. To amend section 2 of an act to amend an act entitled an act to create a separate school district in Jackson county, to be known as Pleasant Grove, out of a part of township 5, range 6, east, approved February 15th, 1889 ;

n. 693. To authorize the commissioners court of Covington county to set aside a special tax for the pay of grand and petit juries in said county ;

n. 949. To authorize and empower the board of trustees of the Scottsboro College and Normal School to sell and convey the property and franchises of said institution ;

n. 665. To incorporate the Birmingham Investment and Security Company ;

ii. 1036. To provide for the disposition of the cases now in the inferior courts of Cullman county;

ii. 309. To fix the compensation of the sheriff of Calhoun county for ex-officio services;

ii. 470. To amend an act entitled an act for the preservation of game animals and birds in the counties of Tuskaloosa and Calhoun, approved February 27th, 1889, so far as the same applies to Tuskaloosa county, Orenshaw county, Lee county and Calhoun county;

ii. 550. To improve the penitentiary and convict system of Alabama;

ii. 1055. To authorize the governor to cause to be instituted, in the name of the state, proceedings for the acquirement by condemnation of any lands, right of way, or material needed for the use of the penitentiary, or the maintenance or operation of the hard labor system of the state;

ii. 937. For the relief of the Ladies' Memorial Association of Montgomery;

ii. 943. To authorize the city of Birmingham and the county of Jefferson, to provide an armory for the military companies of said city;

ii. 628. To authorize the mayor and aldermen of the city of Girard to establish a system of public schools in said city;

ii. 980. To divide the county of Randolph into four commissioners districts, and to prescribe the term of office of members of said court;

ii. 936. To provide for the collection of a license on transient persons doing business as merchants in the county of Greene and defining who are transient merchants within the meaning of this act;

ii. 394. To amend section 458 of the code;

ii. 398. To establish a separate school district, to be known as the Hartselle school district, in Morgan county, Alabama, and for the election of a board of trustees for said school district, with certain powers and privileges.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing report of committee on enrolled bills and house message.

REPORT OF COMMITTEE OF CONFERENCE.

Mr. Bloch, from a committee of conference, submitted the following report, viz.:

To the President of the Senate of Alabama :

The committee of conference, to whom was referred the matter of difference of the two houses on house bill 433, have agreed to recommend that the senate recede from its amendment as to section 11, so that said section shall read as follows, to-wit :

Section 11. Be it further enacted, That the court of county revenue of Wilcox county shall annually appropriate out of the general fund of Wilcox county, for the period of two years, the sum of seven hundred and fifty dollars annually, for said period of two years, which shall be awarded on the second Mondays of April and November of each year, to the person or persons offering claims against the fine and forfeiture fund of said county at the highest rate of discount, due advertisement to be given by publication in a newspaper of said county.

SOL. D. BLOCH,
W. L. DOWNEY,
J. R. COWAN,

Committee on Part of Senate.

JOHN PURIFOY,
W. BREWER,
A. D. SAYRE,

Committee on Part of House.

The foregoing report of the committee of conference was concurred in.

Yeas 21, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley, Williams—21.

MESSAGE FROM THE HOUSE.

Mr. President .

The house has concurred in report of the committee of conference on the differences of the two houses on the senate amendment to

n. 433. To provide a fund of the payment of witnesses for the state in the circuit and county courts of Wilcox county and to prescribe therein compensation;

And has concurred in the senate amendment to the bills:

n. 244. To allow the constables of beat No. 36, in Dallas county, the constables in and of beats 9, 21 and 37, in Jefferson county, and 1 and 4 in Henry county, Alabama, to appoint deputies;

n. 986. To amend section 2 of an act entitled an act to establish a new charter for the city of Talladega, approved February 28th, 1887:

And by unanimous consent reconsidered the vote by which senate bill 240 was passed and the vote ordering to third reading, and amended and passed the bill:

s. 240. To establish a charter for the town of Gurleys, in Madison county.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The senate concurred in the house amendment to the senate bill 240, set out in the foregoing house message.

Yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Milner, Minge, Smith of Autauga, Smith of Mobile, Stallworth, Stansel, Steagall, Wiley—20.

RECESS.

At 6 o'clock p. m., the senate took a recess, till 7:30 o'clock p. m.

EVENING SESSION.

The senate re-assembled at 7:30 o'clock p. m.;
A quorum present, and proceeded to consider

BILLS ON THIRD READING.

The bill,

H. 751. To amend section one of an act entitled an act for the preservation of game in Limestone, Cullman and Madison counties, approved February 26, 1887,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Cowan, Compton, Godfrey, Handley, Haralson, Harris of Lee, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley—18.

The bill,

H. 1064. To amend section 4 of an act entitled an act to authorize the commissioners court, or court or board of county revenues of the counties of Marengo, Sumter, Montgomery, Hale, Dallas, Autauga, Wilcox, Lowndes, Russell, Monroe, Lawrence and Perry, to establish, or abolish districts in which stock may be prevented from running at large, approved February 28, 1881.

Was read a third time and passed—yeas 23, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Waddell—23.

The bill,

H. 632. To amend an act entitled an act for the protection of dogs, approved February 12, 1887,

Was read a third time and passed—yeas 15, nays 6.

Yeas—Mr. Bradley, Cowan, Compton, Downey, Godfrey, Haralson, Milner, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley, Williams—15.

Nays—Mr. Bloch, Handley, Inzer, Lackey, Minge, Parker—6.

The bill,

H. 716. To authorize the deeds, contracts, conveyances, or other instruments to be recorded again in Franklin county,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson, Inzer, Lackey, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley, Williams—22.

The bill,

H. 741. To authorize the town of Columbia in Henry county

to borrow money and issue bonds for the purpose of constructing water works and electric lights, and to regulate the price of water and lights with the citizens of the town who use the same,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Inzer, Lackey, Milner, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley, Williams—20.

The bill,

ii. 1041. To empower the auditor to extend the time for the collection and absolute release from payment of certain taxes charged against William Rollins, tax collector of Franklin county, Alabama,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. Bradley, Downey, Godfrey, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley—18.

The bill.

ii. 715. To authorize the refiling of claims against estates of deceased persons in Franklin county,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. Bradley, Bloch, Downey, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Milner, Minge, Parker, Parks, Reynolds, Smith of Autauga, Smith of Mobile, Stallworth, Steagall, Wiley—18.

The bill:

ii. 921. To protect and regulate the manner of catching and taking fish in any of the creeks in Hale county within a certain distance from where said creeks empty in the Warrior river,

Was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. Bradley, Berry, Grant, Godfrey, Handley, Haralson, Harris of Lee, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Wiley, Williams—18.

The bill,

ii. 139. For the relief of state witnesses in the counties of Tuscaloosa, Bibb, Chilton, Calhoun, Washington, Crenshaw, Fayette, Lauderdale, Colbert, Chambers, Pike, Cleburne, Etowah, Escambia, Covington, Clay, Lamar, Conecuh, Randolph, Blount, Lawrence, Baldwin, St. Clair, Limestone and Morgan, in cases in which the state fails,

Was taken up.

Mr. Skeggs offered an amendment, which was adopted.

The bill was read a third time and passed—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Cowan, Grant, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Wiley—18.

RESOLUTION.

By leave, Mr. Skeggs offered a resolution requesting the governor to return house bill 398, which was adopted.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has amended and passed the bill,

s. 107. For the relief of Jno. M. Miller, a citizen of Bibb county;

And has concurred in the senate amendments to

ii. 139. For the relief of state witnesses in the counties of Tuskaloosa, Bibb, Chilton, Calhoun, Washington, Crenshaw, Fayette, Lauderdale, Colbert, Chambers, Pike, Cleburne, Etowah, Escambia, Covington, Clay, Conecuh, Randolph, Blount, Lawrence, Baldwin, St. Clair, Limestone and Morgan, in cases in which the state fails;

And has passed the bill,

s. 475. To incorporate the Commercial Savings Bank of Birmingham, Alabama.

BENJ. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The senate concurred in the house amendment to the senate bill 107, set out in the foregoing house message—yeas 18, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Downey, Grant, Handley, Harris of Lee, Hundley, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Steagall, Wiley—18.

The senate resumed the consideration of

BILLS ON THIRD READING.

The bill,

ii. 1108. To amend section 4038 of the code of Alabama:
Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Grant, Handley, Haralson, Harris of Lee, Inzer, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Williams—19.

The bill,

ii. 1109. To amend section 4039 of the code of Alabama:
Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Berry, Bloch, Cowan, Compton, Downey, Grant, Handley, Haralson, Harris of Lee, Inzer, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley—20.

The bill,

ii. 1110. To amend section 4036 of the code of Alabama:
Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Downey, Godfrey, Handley, Haralson, Harris of Lee, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley—19.

The bill,

ii. 790. To authorize and direct the Auditor to correct an error in the assessment for taxation for the year 1890, of the rolling stock of the Nashville, Florida and Sheffield Railroad Company,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Downey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Williams—20.

The bill,

ii. 762. To confer upon the mayor of the city of Tuskaloosa jurisdiction, concurrent with the county court of Tuskaloosa county, of the offenses of vagrancy, violation of Sunday laws, assaults, assaults and batteries and affrays in which no stick or other weapon is used, abusive language, cruelty to animals and public drunkenness, when committed in the corporate limits of the city of Tuskaloosa,

Was read a third time and passed—yeas 19, nays 0.

Mr. President, Bradley, Bloch, Cowan, Grant, Handley,

Haralson, Harris of Lee, Hayes, Inzer, Milner, Minge, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Williams—19.

The bill,

n. 740. To authorize the town of Columbia, in Henry county, Alabama, to assess and collect a license tax from persons, companies, or corporations, doing business in said town,

Was read a third time and passed—yeas 21, nays 0.

Yeas—Mr. President, Bradley, Bloch, Cowan, Compton, Downey, Grant, Godfrey, Handley, Haralson Harris of Lee, Hayes, Lackey, Milner, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley—21.

The bill,

n. 645. To divide township 6, range 14, in Covington county, into two school districts,

Was read a third time and passed—yeas 19, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Handley, Inzer, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley—19.

The bill,

n. 738. To amend an act approved February 24, 1887, entitled an act to amend section three of an act entitled an act to amend an act, approved January 28, 1870, to incorporate the town of Columbia, Henry county,

Was read a third time and passed—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Inzer, Lackey, Milner, Minge, Parker, Reynolds, Skeggs, Smith of Autauga, Wiley—22.

The bill,

n. 737. For the relief of E. R. Freeman, clerk of the circuit court of Franklin county, Alabama,

Was read a third time and passed—yeas 20, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Handley, Inzer, Lackey, Milner, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley—20.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has passed the bills :

s. 443. To provide for the payment of the costs of appeal in certain criminal cases ;

s. 384. To regulate the drawing of a jury for the July term of the county court of Lawrence county ;

s. 215. To aid state and county agricultural fairs ;

s. 488. To confirm the incorporation and organization of the Florence Investment Company, and to declare and define the powers of said company ;

s. 482. To confirm the incorporation and organization of the Alabama Banking and Trust Company, and to increase and enlarge the powers of said company ;

s. 115. To declare the town of Jacksonville, in Calhoun county, Alabama, a watering place within the meaning of section 4053 of the code of 1886 ;

s. 113. To regulate and prescribe the manner of electing county commissioners, in the counties of Lamar, Fayette, Marion and Franklin ;

And has adopted a joint resolution requesting the return by the governor of house bill 398 to the senate ;

And has concurred in the amendment to the joint resolution relative to the election of a solicitor for the city court of Gadsden ;

And has amended by way of substitute the bill,

s. 106. To regulate garnishments against salaries and wages of persons employed with title as follows :

s. 106. To regulate the issue of garnishments returnable before justices of the peace, and the proceedings thereon ;

And has passed the bills :

s. 358. To empower William C. Ward, as the administrator of the estate of John B. Boddie, deceased, to sell the property of said estate without order of court and to borrow money by mortgaging the property of said estate to pay debts ;

s. 497. To fix the time of holding the chancery court, in the county of Etowah, state of Alabama,

s. 397. To incorporate the Colored Normal College, of Lamar county ;

s. 440. To refund license money to James E. Ray, of Tallapoosa county ;

s. 347. To incorporate the Sheffield Savings and Trust Company ;

s. 348. To incorporate National Banking Investment and Trust company ;

s. 500. To incorporate the North Alabama Oil and Gas Pipe Line Company ;

And has amended and passed the bill :

s. 339. To prevent stock from running at large in beats 4 and 7, in Lee county ;

And has passed the following bills :

s. 402. To confirm the incorporation and organization of the Gadsden and Attalla Railroad Company ;

s. 492. To amend sections 18 and 19 of an act entitled an act to amend an act entitled an act to vacate and amend the charter and dissolve the corporation of the city of Opelika, and to provide for the application of the assets thereof in discharge of the debts of said corporation, approved February 19th, 1883, and to provide for the compromise of its railroad bonded indebtedness, approved February 14th, 1885 ;

s. 438. To amend an act approved February 17, 1885, entitled an act to amend sections 1 and 2 of an act to define the corporate limits of the city of Wetumpka, approved February 23, 1883 ;

s. 395. To prevent stock from running at large in several beats or districts in Marengo county, and to authorize an election thereon ;

s. 499. To authorize the court of county commissioners for Perry county, to establish one or more ferries across the Cahaba river, in Perry county.

And has concurred in the senate amendment to the bill,

ii. 398. To establish a separate school district, to be known as the Hartselle School District, in Morgan county, Alabama, and for the election of a board of trustees for said school district, with certain powers and privileges.

BENJ. F. ELMORE,

Clerk.

HOUSE MESSAGES.

The senate concurred in the house amendments to the senate bill 106, set out in the foregoing house message—yeas 22, nays 0.

Yeas—Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Downey, Godfrey, Handley, Harris of Lee, Hayes, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Wiley, Williams—22.

The senate concurred in the house amendment to the senate bill 339, set out in the foregoing house message—yeas 18, nays 0.

Yeas—Mr. Bradley, Bloch, Compton, Godfrey, Handley, Harris of Lee, Inzer, Lackey, Milner, Minge, Parker, Parks, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley, Williams—18.

MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF GOVERNOR,
MONTGOMERY, Feb'y 18, 1891.

Mr. President:

I am directed by the governor to communicate to the senate a message in writing, with accompanying document.
J. K. JACKSON,
Private Secretary.

The governor's message was read as follows, viz :

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
MONTGOMERY, February 18, 1891.

To the Senate :

In compliance with joint resolution certified to me this day, I herewith return to the senate, house bill 398.
THOS. G. JONES,
Governor.

PRIVILEGED QUESTION.

On motion of Mr. Skeggs, the senate reconsidered the vote on the passage of the bill,

H. 398. To establish a separate school district, to be known as the Hartselle School District, in Morgan county, Alabama, and for the election of a board of trustees for said school district, with certain powers and privileges;

Also, reconsidered the vote ordering the bill to a third reading.

Mr. Skeggs offered an amendment which was adopted.

The bill was then read a third time and passed—yeas 22, nays 0.

Yeas—Mr. Bradley, Bloch, Cowan, Compton, Grant, Godfrey, Handley, Haralson, Harris of Lee, Inzer, Lackey, Milner, Nesmith, Parker, Parks, Reynolds, Skeggs, Smith of Autanga, Smith of Mobile, Steagall, Wiley, Williams—22.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has adopted the resolution, herewith sent, requesting the return to the house of senate bill 81.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The request of the house for the return of senate bill 81 was acceded to, and the secretary was directed to return said bill.

MESSAGE FROM THE HOUSE.

Mr. President:

I am directed by the house to invite the senate into the hall of the house of representatives, for the purpose of electing, by joint ballot, a solicitor for the city court of Gadsden.

B. F. ELMORE,
Clerk.

JOINT CONVENTION.

In compliance with the foregoing invitation, the senate proceeded at once to the hall of the house of representatives, for the purpose of

ELECTING A SOLICITOR FOR THE CITY COURT OF GADSDEN.

The president of the senate called the convention to order,

and directed the secretary of the senate to call the roll of the senate, when the following senators answered to their names, being a quorum of the senate, viz :

Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Smith of Mobile, Stallworth, Wiley, Williams.—28.

The speaker of the house then directed the clerk of the house to call the roll of the house, when the following representatives answered to their names, being a quorum of the house, viz :

Messrs. Speaker, Amason of Tallapoosa, Appleton, Avery, Bain, Barnett, Bass, Bevis, Bishop, Blackwell, Brewer, Bown, Burford, Clanton, Clayton, Coleman, Cooper, Cornelius, Crews, Davidson, Davis of Fayette, Davis of Lamar, Finch, Forman, Foster, Gass, Gilchrist, Gordon, Guthrie, Harrell, Harris, Henry, Howle, Johnson, Kelly, Lee of Barbour, Lee of Conecuh, Long, Loveless, Moore of Madison, Northington, Parker, Parks, Peacock, Pettus, Poole, Powell, Purifoy, Quarles, Sparkman, Steele, Sullivan, Townsend of Limestone, Tucker of Crenshaw, Tucker of Lauderdale, Watters, Webb, Wood, Wilson, Young—60.

The president of the senate then announced that a quorum of the two houses of the general assembly of Alabama was present, and the object of the joint convention was the election of a solicitor for the city court of Gadsden.

Mr. Milner placed in nomination Mr. Benjamin F. Pope of Gadsden, Alabama, and those of the senate who voted for Mr. Pope are :

Mr. President, Bradley, Berry, Bloch, Cowan, Compton, Davie, Downey, Grant, Godfrey, Handley, Haralson, Harris of Lee, Hayes, Hundley, Inzer, Lackey, Milner, Minge, Parker, Parks, Reynolds, Skeggs, Smith of Autauga, Stallworth, Wiley, Williams—27.

And of the house of representatives are

Messrs. Speaker, Adams, Amason of Tallapoosa, Appleton, Avery, Bain, Barnett, Bass, Bevis, Bishop, Blackwell, Brewer, Brown, Burford, Clanton, Clayton, Coleman, Cooper, Cornelius, Crews, Davidson, Davis of Fayette, Davis of Lamar, Finch, Forman, Foster, Gass, Gilchrist, Gordon, Guthrie, Harrell, Harris, Henry, Howle, Johnson, Kelly, Lane, Lee of Barbour, Lee of Conecuh, Long, Loveless, Moore of Madison,

Northington, Parker, Parks, Peacock, Pettus, Poole, Powell, Purifoy, Quarles, Scott, Screws, Sparkman, Steele, Sullivan, Townsend of Limestone, Tucker of Crenshaw, Tucker of Lauderdale, Watters, Webb, Wood, Wilson, Young—62.

The speaker of the house of representatives then announced that Mr. Benjamin F. Pope having received eighty-nine votes, all the votes cast, in the joint convention of the general assembly of Alabama for solicitor of the city court of Gadsden, he declared him duly and legally elected solicitor for said city court for the term prescribed by law.

The joint convention was then dissolved and the senate returned to its chamber and resumed the regular order of business.

MESSAGE FROM THE HOUSE.

Mr. President :

The house has passed the following bills, which originated in the senate :

s. 322. To confirm and amend the incorporation of The Iron State Building and Loan Company ;

s. 422. To authorize the election of township superintendents in St. Clair county ;

s. 386. To amend section 2 of an act entitled an act to authorize the corporate authorities of the town of New Decatur, in the county of Morgan, to negotiate a loan for the improvement of the streets and of the sanitary condition of the said town to issue bonds for the payment of said loan, approved February 13th, 1889 ;

s. 355. To authorize and empower the commissioners court of Jefferson county, Alabama, to pay to the judge of the tenth judicial circuit of Alabama \$500 annually ;

And has concurred in the senate amendments to the following bills :

H. 61. To regulate the election of municipal officers in the city of Montgomery ;

H. 743. To confirm the incorporation of the Shakespeare Club of Birmingham, Alabama, and the change of the name of said club to "The Alabama Club," and to enlarge the powers and capacities of said club.

BENJ. F. ELMORE,
Clerk.

REPORT OF ENROLLED BILLS.

Mr. Godfrey, from the committee on enrolled bills, reported the following bills correctly enrolled:

s. 115. To declare the town of Jacksonville, in Calhoun county, Alabama, a watering place within the meaning of section 4053 of the code of 1886;

s. 358. To empower William C. Ward as the administrator of the estate of John B. Boddie, deceased, to sell the property of said estate without order of court and to borrow money by mortgaging the property of the said estate to pay debts;

s. 92. To amend section 4571 (4546) of the code;

s. 110. To amend sections 19 and 20 of the code of Alabama of 1886;

s. 133. To provide for paying the accounts of sheriffs against the state;

s. 240. To establish a charter for the town of Gurleys;

s. 252. To authorize justices of the peace and notaries public with ex-officio powers as justices of the peace, in beats 16, 17 and 22, Jefferson county, to exercise exclusive jurisdiction in said beats;

s. 264. To amend section 4631 of the code;

s. 282. To amend section 2908 of the code of 1886;

s. 283. To establish a new charter for the town of Carrollton;

s. 285. To incorporate the Anniston Banking and Loan Association of Anniston, Alabama;

s. 418. To authorize the mayor and councilmen of Troy, in Pike county, to erect and maintain or otherwise provide a system of water works for the city of Troy and issue bonds in payment thereof, in an amount not exceeding fifty thousand dollars;

s. 248. To establish and define the corporate limits of the city of Gadsden;

s. 461. To ratify the consolidation of the Mobile and Mississippi River Railroad Company, with the Mississippi River and Mexican Gulf Railroad Company under the name of the Mobile and Mississippi River Railroad Company;

s. 462. For the better protection of the capitol and grounds and for the preservation of order therein;

s. 468. To cede to the United States jurisdiction over the lands of Mount Vernon Barracks and Fort Morgan;

s. J. R. To authorize the treasurer to use the fees paid in-

to the treasury for exchange of registered bonds to provide new blank bonds ;

s. 161. To amend section 1 of an act entitled an act to establish a new charter for the town of Evergreen in Conecuh county, approved February 5th, 1881 ;

s. 215. To aid state and county agricultural fairs ;

s. 443. To provide for the payment of costs of appeal in certain criminal cases ;

s. 347. To incorporate Sheffield Savings and Trust Company ;

s. 348. To Incorporate National Banking, Investment and Trust Company ;

s. 482. To confirm the incorporation and organization of the Alabama Banking and Trust Company, and to increase and enlarge the powers of said company ;

s. 497. To fix the time of holding the chancery court in the county of Etowah, State of Alabama ;

s. 489. To authorize the governor to issue to John M. Manning a new coupon bond for five hundred dollars in the lieu and stead of class "A" bond number 7255 ;

s. 395. To prevent stock from running at large in the several beats or districts in Marengo county, and to authorize an election thereon ;

s. 472. To authorize the city of New Decatur to levy and collect license taxes upon professions, occupations, vocations and businesses practiced or engaged in within said city ;

s. 58. To amend the charter of the city of Montgomery and various acts amendatory thereof ;

s. 170. To establish a new charter for the city of Decatur ;

s. 354. To better provide for the establishment and working of the public roads in this state ;

s. 488. To confirm the incorporation and organization of the Florence Investment Company, and to define and declare the powers of said company ;

s. 237. To demand certain sections of the charter of the town of Oxford, and to give said town of Oxford power to issue bonds ;

s. 452. To amend section 1 of an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or cordials, or fruits preserved in alcoholic liquors, in all places in Jefferson, Walker, Talladega and Fayette counties, except in

incorporated towns and cities, having police regulations, approved February 16th, 1889;

s. 325. To incorporate the town of Vienna, in the county of Pickens, in the state of Alabama;

s. 464. To incorporate the Alabama City Land and Development Company;

s. 422. To authorize an election of township superintendent in St. Clair county;

s. 402. To confirm the incorporation and organization of the Gadsden and Attalla Railroad Company;

s. 397. To incorporate the colored normal college of Lamar county;

s. 113. To regulate and prescribe the manner of electing county commissioners in the counties of Lamar, Fayette, Marion and Franklin;

s. 384. To regulate the drawing of a jury for the July term of the county court of Lawrence county;

s. 339. To prevent stock from running at large in beats 4 and 7, in Lee county;

s. 440. To refund license money to James E. Ray of Tallapoosa county;

s. 355. To authorize and require the commissioners court of Jefferson county, Alabama, to pay to the judge of the tenth judicial circuit of Alabama five hundred dollars annually;

s. 475. To incorporate the Commercial Savings Bank of Birmingham, Alabama;

s. 492. To amend sections 18 and 19 of an act entitled an act to amend an act entitled an act to vacate and annul the charter and dissolve the corporation of the city of Opelika and to provide for the application of the assets thereof, in discharge of the debts of the said corporation, approved February 19th, 1883, and to provide for the compromise of its railroad bonded indebtedness, approved February 14th, 1885;

s. 107. For the relief of John W. Miller, a citizen of Bibb county;

s. 386. To amend section 2 of an act entitled an act to authorize the corporate authorities of the town of New Decatur, in the county of Morgan, to negotiate a loan for the improvement of the streets and of the sanitary condition of the said town, and to issue bonds for the payment of said loan, approved February 13th, 1889;

s. 438. To amend an act approved February 17th, 1885,

entitled an act to amend sections 1 and 2 of an act to define the corporate limits of the city of Wetumpka, approved February 23rd, 1883;

s. 500. To incorporate the North Alabama Oil and Gas Pipe Line Company;

s. 405. To amend sections three (3), four (4), seven (7), eight (8), eleven (11), twelve (12) and thirteen (13), of an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved January 16th, 1879;

s. 322. To confirm and amend the incorporation of the Iron State Building and Loan Company;

s. 499. To authorize the court of county commissioners of Perry county to establish one or more ferries across the Cahaba river, in Perry county;

s. 106. To regulate the issue of garnishments returnable before justices of the peace and the proceedings thereon;

s. 88. To prohibit the selling, giving away or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks, or beverages, or fruits preserved in alcoholic liquors within three miles of Hebron Baptist church, in Pickens county; or within five miles of Brookwood, in Tuskaloosa county; or within five miles of Arbour Springs Baptist church, in Tuskaloosa county; or within three miles of Union Grove Baptist church, in beat two, or within three miles of McKinney's school house, in beat thirteen, or within five miles of Pierce Chapel Methodist church, in beat seven, in Lee county; or within three miles of Big Creek Baptist church, or within Memphis Beat No. 20, in Pickens county; or within beat five, in Winston county; or within six miles of the Methodist and Baptist churches, and the Clopton Academy, in the town of Clopton, in Dale county; or within three miles of Mossy Grove church and school house, in Pike county; or within two miles of Jones' chapel, in Cullman county; or within two miles of Mount Zion Baptist church, in beat 10, in Crenshaw county; or within three miles of Mount Zion Baptist church, in beat four, in Chambers county; or within three miles of Mount Pleasant church, in beat five, in Chambers county; or within the corporate limits of the town of Hartsville, in Morgan county; or within five miles of Rocky Mount Methodist church, in beat one, in Chilton county; or within one and a half miles of Kelleyton Methodist church, in Coosa county; or within eight miles of Oak Grove church, in Pickens county; or within four miles of the O'Neal school house,

in Limestone county; or within one-half mile of the Methodist church, in Toulminville, Mobile county; or within three miles of Clear Creek Cumberland Presbyterian church, in Etowah county; or within six miles of the court house at Daphne, in Baldwin county; or within two miles of Providence church, in beat three, in Dale county; or within the limits of beat ten, in Jackson county; or within five miles of the Cumberland Presbyterian church, in Larkinsville, Jackson county; or within three miles of Holly Grove (Colored) Baptist church, in beat fourteen, Lamar county; or within one mile of the Methodist Episcopal church south, near Henryville, Marshall county; or within three miles of Shady Grove Baptist church, or the Bethel Baptist church, or within four miles of Mount Moriah Baptist church, or within two miles of Zebulon Baptist church, in Pike county; or within two miles of Goodwater church, in beat five, in Dale county; or within one mile of Fresco post-office, in Coffee county; or within two miles of Holmes Gap Academy, in Cullman county; or within five miles of Corinth church, in beat one, in Chilton county; or within six miles of Shorterville Baptist church, in Henry county; or within two miles of Cowarts Baptist church, in Henry county; or within two miles of Cowart's Baptist church, in Henry county; or within two miles of Soule Chapel M. E. church, south, in Preston beat, Sumter county; or within four miles of Lebanon Methodist church, in Limestone county; or within six miles of Mount Zion Methodist Episcopal church, south, in beat 17, in Tallapoosa county; provided, that this act for the above named churches shall not go into effect until the first day of January, 1892; or after Jan. 1st, 1892, within one-half mile of the Church of the Innocence in the addition to the city of Montgomery, known as West End; provided, that this act shall not have effect within any territory in the city of Montgomery.

MESSAGE FROM THE HOUSE.

Mr. President:

The speaker of the house having signed the following bills, your signature thereto is requested, viz:

H. 1095. To amend section eight of an act entitled an act to incorporate the town of Auburn, Lee county, Alabama, approved February 23, 1875;

II. 656. To prohibit the driving of live animals into or the placing of the dead bodies of animals in any ditch or canal, operated for the purpose of floating logs or timber, within the limits of the county of Escambia;

II. 617. For the relief of parties whose lands have been sold for taxes;

II. 619. To refund to George G. White and Charlton Alexander, \$107.55 erroneously paid by them into the state treasury for purchase of certain lands previously sold by the state;

II. 870. To permit and provide for the incorporation of separate school districts in the county of Tuskalooza;

II. 792. To regulate the trial of misdemeanors in the county of Macon;

II. 998. To incorporate the State Savings Association and define its powers and authority;

II. 716. To authorize the deeds, contracts, and conveyances, or other instruments to be recorded again in Franklin county;

II. 613. To amend section 4591 of the code;

II. 393. To provide for the collection of taxes from persons removing from one county to another during the tax year;

II. 736. to authorize the substitution of the bonds of the county officers, justices of the peace, notaries public, constables, executors, administrators and guardians in Franklin county;

II. 742. To authorize the justices of the supreme court to use a portion of the library fund in the purchase of law books for the office of the Attorney-General;

II. 632. To amend an act entitled an act for the protection of dogs, approved February 12, 1889;

II. 308. To finally dispose of lands which have been sold for its taxes, and bid in for the state;

II. 772. To confer upon the mayor of the city of Tuskalooza jurisdiction, concurrent with the county court of Tuskalooza county, of the offenses of vagrancy, violation of Sunday laws, assaults, assaults and batteries and affrays in which no stick or other weapon is used, abusive language, cruelty to animals and public drunkenness, when committed in the corporate limits of the city of Tuskalooza;

II. 921. To protect and regulate the manner of catching and taking fish in any of the creeks in Hale county, within a certain distance from where said creeks empty in the Warrior river;

II. 1064. To amend section 4 of an act entitled an act to

authorize the commissioner's court, or court or board of county revenues of the counties of Marengo, Sumter, Montgomery, Hale, Dallas, Autauga, Wilcox, Lowndes, Russell, Monroe, Lawrence and Perry, to establish or abolish districts in which stock may be prevented from running at large, approved February 28, 1881 ;

ii. 307. To ratify and amend the incorporation of the "Birmingham Bar Association," of Birmingham, Alabama, and to enlarge the powers thereof ;

ii. 1108. To amend section 4038 of the code of Alabama ;

ii. 1110. To amend section 4036 of the code of Alabama ;

ii. 741. To amend section one of an act entitled an act for the preservation of game in Limestone, Cullman and Madison counties, approved February 26, 1887 ;

ii. 738. To amend an act approved February 24, 1887, entitled an act to amend section three of an act entitled an act to amend an act, approved January 28, 1870, to incorporate the town of Columbia, Henry county ;

ii. 814. To repeal an act entitled an act to amend section 5049 of the code of 1876, as far as it relates to Clay county ;

ii. 783. To incorporate the Brotherhood of Dependent Neighbors ;

ii. 740. To authorize the town of Columbia, Henry county, Alabama, to assess and collect a license tax from persons, companies, or corporations, doing business in said town ;

ii. 1041. To empower the auditor to extend the time for the collection and absolute release from payment of certain taxes charged against William Rollins, tax collector of Franklin county, Alabama ;

ii. 1109. To amend section 4039 of the code of Alabama ;

ii. 568. To amend section 7 of an act entitled an act to incorporate Howard College, in Marion, Perry county, approved December 29, 1841 ;

ii. 139. For the relief of state witnesses in the counties of Tuskaloosa, Bibb, Chilton, Calhoun, Washington, Crenshaw, Fayette, Lauderdale, Colbert, Chambers, Pike, Cleburne, Etowah, Escambia, Covington, Clay, Lamar, Conecuh, Randolph, Blount, Lawrence, Baldwin, St. Clair, Limestone and Morgan, in cases in which the state fails ;

ii. 645. To divide township 6, range 14, in Covington county, into two school districts ;

ii. 421. To create a board of education for the town of Avondale, and to prescribe the powers and duties of the same ;

n. 741. To authorize the town of Columbia in Henry county to borrow money and issue bonds for the purpose of constructing water works and electric lights, and to regulate the price of water and lights with the citizens of the town who use the same ;

n. 715. To authorize the refiling of claims against estates of deceased persons in Franklin county ;

n. 737. For the relief of E. R. Freeman, clerk of the circuit court of Franklin county ;

n. 325. To regulate the trials of misdemeanors in Geneva county ;

n. 433. To provide a fund for the payment of witnesses for the state in the circuit and county courts of Wilcox county and to prescribe their compensation ;

n. 811. To extend the jurisdiction of the notary public and ex-officio justice of the peace in ward number four of the city of Anniston, so as to cover the corporate limits of the city of Anniston ;

n. 872. To amend section 1 of an act approved February 12th, 1879, entitled an act to establish the "Warrior Agricultural District," to provide for the securing of the same and the management of its affairs ;

n. 803. To amend an act entitled an act to amend sections 463 and 529 of the code of Alabama, approved February 28, 1889 ;

n. 1072. To amend section two of an act entitled an act to amend the charter of the First Presbyterian Church of Talladega, Alabama ;

n. 986. To amend section 2 of an act entitled an act to establish a new charter for the city of Talladega, approved February 28th, 1887 ;

n. 929. To establish a separate school district in Cherokee county, and to define the boundaries thereof ;

n. 205. To create the office of inspector of mines, and prescribe the duties of said office ;

n. 945. To amend sections 7, 10, 20 and 36 of an act entitled an act to create a new charter for the city of Florence, Alabama, approved February 28, 1889 ;

n. 399. To amend section nine (9) of an act entitled an act to establish the city court of Decatur, approved February 8, 1889 ;

n. 610. To amend sections 2 and 16 of an act entitled an act to amend an act entitled an act to establish the city court of Birmingham, which was approved February 28th, 1889 ;

ii. 244. To allow the constable in beat No. 36, in Dallas county, and 1 and 4 in Henry county, Alabama, to appoint deputies ;

ii. 598. To prevent hunting on land without written consent of owner, or his agent, in Dallas, Madison, Autauga, Macon, Sumter, Talladega and Bullock counties, Alabama, and Oak Grove, Perryville and Radfordsville beats in Perry county, and beat No. 9 in Hale county ;

ii. 359. To amend section 5 of an act entitled an act to regulate the circuit court of Henry county, approved February 17th, 1885 ;

ii. 672. To incorporate the Alabama Military Institute at Tuskegee, Macon county, Alabama ;

ii. 765. To declare the Montgomery Shooting Club a social club within the meaning of section 4053 of the code of Alabama ;

ii. 954. To establish the legal weights of agricultural products in this state ;

ii. 767. To amend an act to authorize the commissioners court of Perry, to establish or abolish districts in said county in which stock may be prevented from running at large, approved February 15th, 1889 ;

ii. 821. To repeal section 1 of an act entitled an act to prohibit the sale, giving away, or otherwise disposing of vinous, spirituous, or malt liquors, intoxicating bitters, or cordials, or fruits preserved in alcoholic liquors within five miles of Village Springs Academy, Blount county, and other places therein named, known as the "Omnibus Bill," approved December 10th, 1888, so far as the same relates to the town of Guin, in Marion county ;

ii. 987. To amend section 3878 of the code, so far as the same relates to Cherokee and Etowah counties ;

ii. 981. To authorize the mayor and councilmen of Troy, to erect and maintain a system of electric lights and to issue bonds in payment thereof in an amount not exceeding twenty thousand dollars ;

ii. 582. To prevent camp hunting in Blount county, Alabama ;

ii. 1093. To require the commissioners court of roads and revenue for the county of Chambers, to cause road overseers in said county to have loose stones removed from roads of said county, so far as the same may be practicable,

ii. 61. To regulate the election of municipal officers in the city of Montgomery ;

H. 743. To confirm the incorporation of the Shakespeare Club of Birmingham, Alabama, and the change of the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club;

H. 640. To authorize W. D. Caddell to make title to certain lands in Bibb county;

H. 790. To authorize and direct the auditor to correct an error in the assessment for taxation for the year 1890, of the rolling stock of the Nashville, Florence and Sheffield Railroad Company;

H. 607. To amend section 521 of the code, so far as the same relates to Jefferson county, Alabama.

B. F. ELMORE,
Clerk.

SIGNING OF BILLS.

The president of the senate, in the presence of the senate, immediately after their titles had been publicly read, signed the bills, the titles of which are set out in the foregoing report of enrolled bills and house message.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has adopted the joint resolution, herewith sent, relative to the appointment of a committee to wait on the governor.

Committee on part of the house: Messrs. Brown, Forman and Moore of Madison.

B. F. ELMORE,
Clerk.

HOUSE MESSAGES.

The foregoing house joint resolution was concurred in, and the president appointed as the committee on the part of the senate, under said resolution, Messrs. Handley and Inzer.

RECESS.

On motion of Mr. Compton, at 10 p. m., the senate took an informal recess.

At 11:30 p. m. the president called the senate to order.

MESSAGE FROM THE GOVERNOR.

By his Recording Secretary.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,

OFFICE OF THE GOVERNOR,

MONTGOMERY, February 18th, 1891.

Mr. President:

The governor has approved the following bills, which originated in the senate, viz.:

22, 44, 9, 86, 150, 17, 32, 69, 63, 18, 72, 128, 59, 51, 27, 166, 96, 4, 76, 98, 101, 50, 66, 235, 245, 271, 209, 208, 47, 52, 246, 243, 232, 57, 341, 20, 78, 224, 42, 33, 187, 46, 40, 116, 288, 34, 163, 234, 60, 298, 11, 340, 12, 55, 296, 303, 174, 247, 120, 140, 190, 337, 168, 233, 109, 223, 261, 118, 103, 123, 421, 286, 14, 287, 441, 383, 431, 390, 345, 267, 470, 236, 249, 91, 415, 376, 407, 447, 188, 305, 365, 393, 309, 180, 242, 388, 446, 219, 344, 445, 181, 478, 454, 300, 24, 389, 200, 262, 448, 487, 470, 58, 114, 456, 369, 239, 250, 194, 65, 378, 403, 48, 299, 289, 107, 386, 472, 499, 355, 215, 106, 492, 240, 500, 36, 475, 237, 488, 354, 464, 88, 438, 322, 489, 402, 283, 248, 455, 384, 397, 425, 338, 440, 113, 422, 170, 405, 462, 358, 115, 110, 252, 461, 264, 92, 161, 117, 468, 232, 443, 497, 395, 348, 418, 482, 132, 154.

Respectfully,

HARVEY E. JONES,

Recording Secretary.

RESOLUTIONS.

Mr. Stallworth offered a resolution, which was adopted as follows:

Resolved, That we tender to our president, Honorable Andrew C. Hargrove, our thanks for the able, dignified, impartial and satisfactory manner with which he has discharged his laborious duties, and hereby express to him our appreciation of his unvarying firmness and courtesy:

Resolved, That we tender our thanks to Wm. L. Clay, sec-

retary; Thomas H. Clarke, assistant secretary; Miss Jen Weakley, engrossing and enrolling clerk; James Armstrong, door-keeper, and L. P. Bamberg, assistant door-keeper, for the unusual efficiency and marked courtesy with which they have severally discharged their respective duties;

Resolved, That we tender our thanks to our pages, Oscar Hayes and Walker Owens, for the alacrity and readiness with which they have discharged the duties assigned them, and for the gentlemanly deportment which has throughout the session characterized their action.

Mr. Haralson offered a resolution, which was adopted, as follows:

Resolved, That the thanks of the senate are hereby tendered the press of Alabama for its accurate and complete reports of the proceedings of the senate, and especially the Montgomery Advertiser, which, through the means of its most efficient representative, Mr. D. W. McIver, has given correct and impartial reports of our proceedings.

Mr. Cowan offered a resolution, which was adopted, as follows:

Resolved, That the thanks of the senate are due and are hereby tendered to the ministers of the city of Montgomery for their unselfish kindness in opening our sessions with prayer.

REPORT FROM THE JOINT COMMITTEE TO WAIT ON THE GOVERNOR.

Mr. Inzer, from the joint committee, appointed to wait on the governor and ascertain if he had any further communication to make, reported that the committee had discharged the duty assigned them, and the governor had no further communication to make to this general assembly.

FINAL ADJOURNMENT.

At the hour of 12 o'clock p. m. the president addressed the senate as follows:

Brother Senators:

With the exception of one session I have been a member of the general assembly of Alabama for fourteen years, having served twelve years in the senate and two years in the house of representatives. I will not transcend the truth when I say

that I have never served with any legislative body, the members of which were higher types of true gentlemen, or whose whole course was more distinguished for fidelity to public duty than the members of this senate have exhibited throughout the whole session. There is not one senator in this distinguished body who has not by his uniform kindness and forbearance to me, through a laborious, and in some respects, trying session, endeared himself to my heart. Not an act has been done nor a word spoken by any senator, officer or employe which has given me pain. If one of you entertains towards me an unkind feeling, I am unconscious of it. I can never during this mortal life forget your many kindnesses and the confidence which you have reposed in me, of which you have made so many unmistakable exhibitions.

Many of us met as strangers at the beginning of the session, I am sure we part as friends, and cannot well forget the strong friendships we have here formed. One by one we shall descend to our graves. No doubt your work will meet with adverse criticism, and doubtless errors have been committed and mistakes made, but these must always be, for they grow necessarily out of the frailties of human nature; but I can testify that you have tried nobly, and faithfully, to do good service, and may the future prosperity and glory of the commonwealth give unmistakable evidence of the wisdom with which your labors have been performed.

Trusting that you may all have prosperous journeys to your homes, and that you may find all the waiting loved ones there well and happy, and that you may, one and all, ever enjoy heaven's choicest blessings, I bid you an affectionate farewell.

And in obedience to the supreme law of the state, and in pursuance of the joint resolution of the two houses of the general assembly, I now declare the senate of Alabama for the session of 1890-91 adjourned *sine die*.

And so the senate of Alabama stood adjourned *sine die*.

A. C. HARGROVE,
President of the Senate.

ATTEST :

WILLIAM L. CLAY,
Secretary of the Senate.

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